

Sample essay on plea bargaining in the court system

[Law](#), [Death Penalty](#)



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PLEA BRAGAINING IN THE COURT SYSTEM2

Abstract

Plea bargaining is used very often in the criminal courts to assist the court system in addressing the problems associated with long trials. In a plea bargain, the prosecutor and the defendant agree to a lesser charge or a reduction of charges in exchange for a guilty plea. Both sides must agree and must be approved by the judge before the plea bargain will be entered. Plea bargains are viewed as beneficial in that they reduce the lengthy time, expense, and uncertainty of going to trial for both the defendant and the prosecutor. One area of controversy involving the use of plea bargains is the death penalty. In cases where the death penalty may be applied, defendants may be forced into a plea bargain and pleading guilty because they feel as though their life is at stake, and they would rather spend a great deal of time in prison as compared to the death penalty.

PLEA BARGAINING IN THE COURT SYSTEM3

In the past decade, the use of plea bargaining has become very common in the criminal courts in an attempt to push cases through the overcrowded court system. A plea bargain is an agreement between a defendant and a prosecutor, where the defendant agrees to plead guilty to a lesser charge, or to only one of many charges. In exchange for the guilty plea, the prosecutor can agree to drop one or more charges, reduce the crime to a lesser charge or recommend a lighter sentence for the charge. Plea bargaining begins with negotiations between the defendant and prosecutor, and both must agree

before a valid plea is entered. If both agree on a plea, the judge must approve the plea bargain before it can be entered. Plea bargaining is a private matter, and the details of the plea bargain are not made known to the public until all sides are in agreement.

Plea bargains are used for many reasons in the criminal court system. Since the courts are burdened with conducting a trial on every crime charged, plea bargaining reduces the number of trials are conducted. In addition to saving the prosecution the time and expense of a long trial, plea bargains also save the defendant costs on trial defenses and the risk of harsher punishment that may result in the uncertainty of going to trial. Plea bargaining drastically reduces cases that go to trial, as more than 90% of convictions come from negotiated pleas, which means less than 10% of criminal cases end up in trials (" The Basics of a Plea Bargain," 2001).

Although plea bargains help the court system, there are also controversies surrounding their use. One such controversial area involves plea bargains and the death penalty. The possibility of a death sentence can be very persuasive for the defendant to accept a guilty plea that involves a life sentence instead of going to trial, where he could face death. Unfortunately prosecutors can use this to their benefit to secure a guilty plea, and defendants are forced into thinking they must plead guilty instead of taking the risk of life or death that could result in trial.

References

Alschuler, A. W. (1981). The Changing Plea Bargaining Debate. *California Law Review*, 69,

<https://assignbuster.com/sample-essay-on-plea-bargaining-in-the-court-system/>

652-730.

Ehrhard-Dietzel, S. (2012). The Use of Life and Death as Tools in Plea Bargaining. *Criminal*

Justice Review, 37, 89-109. doi: 10. 1177/0734016811431979.

The Basics of a Plea Bargain. (2014). Retrieved March 5, 2014, from [http://www. nolo. com/legal-encyclopedia/the-basics-plea-bargain. html](http://www.nolo.com/legal-encyclopedia/the-basics-plea-bargain.html).