

Making the Most of Instructional Time Five Minute Lessons

Class Starters and Enders help utilize the last minutes of class when a lesson ends but there is not enough time to start another, or for an interest approach at the beginning of class. Mini-lessons correlate to GPS in the programs areas below.

Plea Bargaining

Program Areas: Law and Justice

Instructions: Read the narrative and make notes of important points, answer questions, and be ready to discuss this topic.

The United States has long been regarded as a beacon of democracy and freedom. A major function of keeping the American society running smoothly is ensuring a court system that functions quickly and smoothly.

Plea bargaining is defined as a **negotiation** in which the defendant agrees to enter a plea of guilty to a lesser charge and the prosecutor agrees to drop a more serious charge. Plea bargaining in the United States is very common; the vast majority (roughly 90%) of criminal cases in the United States are settled by plea bargain rather than by a jury trial. Plea bargains are subject to the approval of the court, and different states and jurisdictions have different rules.



Several features of the American justice system tend to promote plea bargaining. The adversarial nature of the system puts judges in a passive role, in which they have independent access to information with which to assess the strength of the case against the defendant. The parties thus can control the outcome of the case by exercising their rights or bargaining them away. The lack of compulsory prosecution also gives prosecutors greater discretion. The inability of crime victims to mount a private

prosecution and their limited ability to influence plea agreements also tends to encourage plea bargaining.

The Unites States Supreme Court has recognized plea bargaining as both an essential and desirable part of the criminal justice system due to obvious benefits: the relief of court congestion, alleviation of the risks and uncertainties of trial, and its information gathering value. It is also argued that plea bargaining benefits society by ensuring that the guilty are not **acquitted**. Some legal scholars argue, however, that plea bargaining is unconstitutional because it takes away a person's right to trial by jury. It is also criticized on the grounds that its close relationship with rewards, threats, and **coercion** potentially endangers the correct legal outcome.

Although there is great debate on the merits of plea bargaining agreements, they are deeply engrained in the American justice system and are unlikely to disappear anytime soon.

Review

- 1. What circumstances must be met in order for a plea bargain to be accepted?
- 2. Why does the American justice system tend to promote plea bargaining?
- 3. Under what circumstances might one wish to submit a plea bargain?
- 4. What are some benefits of plea bargaining?
- 5. What are some criticisms of plea bargaining?
- 6. True or False: Courts must accept plea bargains when offered.

Language Connection

Research and define the following terms.

Negotiation Adversarial Compulsory Prosecution

Acquittal Coercion

History Connection

Research and write a one page report on a specific case in which plea bargaining made the difference between conviction and acquittal.