LAW CLASS
How Courts Work

Steps in a Trial

Plea Bargaining

Many criminal cases are resolved out of court by having both sides come to an agreement. This process is known as negotiating a plea or plea bargaining. In most jurisdictions it resolves most of the criminal cases filed.

Plea bargaining is prevalent for practical reasons.

•Defendants can avoid the time and cost of defending themselves at trial, the risk of harsher punishment, and the publicity a trial could involve.

•The prosecution saves the time and expense of a lengthy trial.

•Both sides are spared the uncertainty of going to trial.

•The court system is saved the burden of conducting a trial on every crime charged.

Either side may begin negotiations over a proposed plea bargain, though obviously both sides have to agree before one comes to pass.

Plea bargaining usually involves the defendant's pleading guilty to a lesser charge, or to only one of several charges. It also may involve a guilty plea as charged, with the prosecution recommending leniency in sentencing. The judge, however, is not bound to follow the prosecution’s recommendation.

Many plea bargains are subject to the approval of the court, but some may not be (e.g., prosecutors may be able to drop charges without court approval in exchange for a "guilty" plea to a lesser offense).

Plea bargaining is essentially a private process, but this is changing now that victims rights groups are becoming recognized. Under many victim rights statutes, victims have the right to have input into the plea bargaining process. Usually the details of a plea bargain aren’t known publicly until announced in court.