

What Is A Plea Bargain

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The process whereby a criminal defendant and prosecutor reach a mutually satisfactory disposition of a criminal case, subject to court approval.

Plea bargaining can conclude a criminal case without a trial. When it is successful, plea bargaining results in a plea agreement between the prosecutor and defendant. In this agreement, the defendant agrees to plead guilty without a trial, and, in return, the prosecutor agrees to dismiss certain charges or make favorable sentence recommendations to the court. Plea bargaining is expressly authorized in statutes and in court rules.

In federal court, for example, plea bargaining is authorized by subsection (e) of rule 11 of the Federal Rules of Criminal Procedure. Under rule 11(e), a prosecutor and defendant may enter into an agreement whereby the defendant pleads guilty and the prosecutor offers either to move for dismissal of a charge or charges, recommend to the court a particular sentence or agree not to oppose the defendant's request for a particular sentence, or agree that a specific sentence is the appropriate disposition of the case. A prosecutor can agree to take any or all of these actions in a plea agreement. Under rule 11(e), plea bargaining must take place before trial unless the parties show good cause for the delay.

[Why enter a plea at all?](#) Why not go to trial? For the prosecution, it means saving the time and money involved with going through a trial and getting a conviction against a defendant. For the defendant, it usually boils down to jail time. In most cases, a defendant is much more likely to get a less severe sentence by entering a plea than if he decides to go trial and loses. There are two main reasons for this:

- In some plea agreements, the prosecution agrees to drop some criminal charges or reduce the level or severity of a crime in exchange for a defendant's guilty plea. For example, a driver accused of driving while intoxicated (DUI) may negotiate a deal to plead guilty to reckless driving, a much less serious offense which carries a less severe penalty
- Sometimes the prosecution will agree to a specific sentence and make it part of the plea deal by promising the defendant to "recommend" the sentence to the judge when it comes time for sentencing. For example, the prosecutor may recommend sentence of fewer years in prison than a defendant might face if he goes to trial or gets convicted. The prosecutor may also promise to recommend probation instead of jail time

[Plea Is Final](#)

A defendant is free to withdraw or take back his plea at any time and elect to go to trial instead, so long as that

decision is made before sentencing. Once you entered a plea and the court announces your sentence, it's too late to withdraw the plea. At this point, your only option is to file an appeal and challenge either the legality of the:

- Plea, such as by arguing that you were coerced into pleading guilty or you didn't understand exactly what it meant to plead to a crime
- Sentence because either the judge gave you a sentence that's harsher than the one you agreed to in the plea bargain, or because the prosecutor didn't make the sentencing recommendation he promised to make, just to name some examples

Negotiating a plea bargain can be complicated. Before you agree to anything, carefully read the state or federal laws that apply to your case to see what sentences you may face if convicted by a jury. That way, you'll know if any deal offered by the prosecution is worth your while. If you have any questions, contact an attorney before you accept the deal.

Is Negotiating a Plea Better than Going to Trial?

Every case is unique because it has a different set of circumstances - different evidence, a different courtroom and a different prosecutor. You need to have confidence that your attorney has the experience and skill to negotiate a plea or take the case to trial - whatever your attorney thinks is best for you.

Whether you are guilty or not guilty, you need to find a good [Palm Beach County criminal defense lawyer](#) who can resolve your problem. What happens with your case makes all the difference to you, your family and your future. Don't take chances with a lawyer who doesn't have the right stuff. You need an attorney from West Palm Beach who is committed to aggressive representation. Whatever the crime is - [only the best attorney will do.](#)

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