

## Law You Can Use: Consumer Information Column

### Pleading Guilty: A Choice of Cost and Benefit

**Q:** *What does it mean to “enter a guilty plea” in a criminal or traffic case?*

**A:** A plea is a person’s formal response to a criminal or traffic charge. A person charged with a criminal or traffic offense is called the defendant. The defendant can choose from the pleas of guilty, not guilty, not guilty by reason of insanity, or no contest. Entering a plea refers to the judge’s act of formally noting a defendant’s plea, or “entering” it, in the court’s official file. If you enter a guilty plea, it means that you admit you committed the violation, offense, or crime with which you’ve been charged.

**Q:** *Why would you ever plead guilty to a charge?*

**A:** If you have ever had a speeding ticket and paid a fine by mail instead of going to court, you have actually pled guilty to an offense. You may not have read all the fine print on the citation or realized you were entering a guilty plea by paying your ticket, but it is one example of how pleading guilty can be the easiest and least expensive way (in both time and money) to resolve a case. Sometimes pleading guilty to even very serious charges may be the least costly option. For example, you may be offered a plea bargain by the government, and in such a case, you would enter a guilty plea in exchange for a reduced charge or the prosecutor’s recommendation for a reduced penalty.

**Q:** *What if I want to plead guilty, but I want to explain what really happened to the judge?*

**A:** If you enter a guilty plea voluntarily, knowingly, and intelligently, then the judge will have no option but to find that you are guilty of having committed the offense. If you are thinking about entering a guilty plea, you should know that it is very difficult and often impossible to “take back” a guilty plea once you’ve made it and a sentence has been imposed. A guilty plea is sometimes referred to as a “complete admission” because it admits both the facts alleged by the government and the legal consequences of those facts. After the judge accepts your guilty plea, you do have an opportunity to address the judge before the judge decides what the punishment will be. Your explanation about the circumstances surrounding the offense may lessen the punishment a judge imposes. However, when you plead guilty to an offense and the judge accepts the plea, you will be found guilty, which means it is possible you will get the maximum penalty for that offense.

**Q:** *Is there anything I should do before I plead guilty?*

**A:** It is wise to talk with a lawyer before entering a guilty plea to any offense. Only a lawyer can fully explain the possible consequences of entering a guilty plea to a particular offense. Remember that, if you are charged with a criminal offense that carries the possibility of jail time, the court will appoint a lawyer to represent you without cost if you cannot afford a lawyer.

**Q:** *What if I don't want to talk with a lawyer before I plead guilty?*

**A:** Before entering a guilty plea, you should know the answer to these questions: What is the maximum jail time and fine that can be imposed? What are the court costs I'll have to pay? Do I have to pay restitution to the victim? How long do I have to pay the fine and court costs? Is the prosecutor making a sentencing recommendation and, if so, what is it? What is the mandatory minimum sentence for the offense I'm pleading guilty to? Will this offense be a "prior" for purposes of enhanced sentencing in future criminal or traffic cases? Is there a license suspension or are points associated with my being found guilty of this offense? Do I have to maintain any sort of special insurance or equipment as a result of my plea? Does pleading guilty affect my ability to qualify for government programs and/or student aid? Might I be put on probation or community control and, if so, for how long? What will the terms of probation be? Will I be required to register as a sex offender as a result of pleading guilty? Will I be unable to vote or restricted from possessing a firearm as a result of my guilty plea? There can be a staggering number of consequences associated with being convicted of a traffic or criminal offense. It is always wise to at least consult with an attorney before entering a guilty plea because the penalties vary considerably for different offenses.

*This "Law You Can Use" column was provided by the Ohio State Bar Association. It was prepared by attorney Robert A. Beattey, a member of the OSBA Criminal Justice Committee. The column offers general information about the law. Seek an attorney's advice before applying this information to a legal problem.*