

Law You Can Use: Consumer Information Column

“Not Guilty”: A Plea for Those Who Didn’t Do It... and Those Who Did

Q: *What does it mean to “enter a not 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. A defendant is typically called upon to enter a plea at arraignment, which is the person’s first appearance in court. The defendant can choose from the pleas of guilty, not guilty, not guilty by reason of insanity, and 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.

Q: *If I know I did it, is it lying to plead not guilty?*

A: In the context of our legal system, it is not “dishonest” to enter a not guilty plea even when you know you committed an offense. By pleading not guilty, you are formally denying that you are guilty of each and every element of the offense charged against you. If you are charged with a criminal offense and you are innocent, this is the plea you would enter. But you must also see your denial of the charge through a not guilty plea in the broader context of the procedure in criminal cases. By pleading not guilty, you are asking the prosecutor to present evidence that establishes all the elements of the charge against you beyond a reasonable doubt. If you are charged with a crime, you have the right to hold the government to its obligation of proving beyond a reasonable doubt that you committed a crime. In other words, you can honestly plead not guilty because, in the eyes of the law, you are considered to be innocent until the government proves you guilty.

Q: *What if, as a defendant, I want to admit I was at a crime location like the police say, but I don’t want to admit to doing anything wrong?*

A: You would plead not guilty. For most practical purposes, pleas are an “all or nothing” proposition. If you do not want to admit wrongdoing, you should plead not guilty, even if some of the facts the government alleges are true. By entering any other plea, such as a “guilty” or “no contest” plea, you would, in effect, be admitting all of the facts the prosecutor would otherwise have to prove beyond a reasonable doubt.

Q: *What happens after I enter a not guilty plea?*

A: Typically, you would enter your plea at an arraignment, which is your first appearance in court made shortly after your arrest or after you received your summons (like a traffic citation).- After you’ve

entered a not guilty plea, the case will be “set over,” or scheduled, for further proceedings, such as a pretrial or a trial. Usually, at the arraignment, a judge or magistrate will set the terms for your release between the arraignment and trial, but this is not related to the plea. A bond may be required. Just because a case is set for a trial date, it does not mean that there has to be a trial.

Q: *What happens if I decide I want to change my not guilty plea?*

A: Generally, you may change your plea at any time before a judge enters a final judgment in the case. This often happens when the prosecutor offers you a plea bargain (through your attorney if you have one), in which the prosecutor agrees to reduce or dismiss charges or agrees to recommend a particular sentence if you change your “not guilty” plea to a guilty plea. Just because you pled not guilty at your arraignment does not mean you are locked into having a trial. You (or your lawyer) can negotiate with the prosecutor for some sort of plea bargain or other agreed resolution (such as a diversion program) right up to the day of the trial. Often there are pre-trial conferences scheduled by the court for just this purpose.

Q: *Can I plead not guilty in a civil case like an eviction or small claims case?*

A: No. There were once different pleas in all kinds of areas of law, but now pleas are only called for in criminal cases. If you’re a defendant in a civil suit, like an eviction or small claims case, your formal response to the complaint filed against you is called an “answer,” not a plea.

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.