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Plea Bargaining/Probable Cause Hearing/Arraignment

Pg. 135 – 140

**Plea Bargaining**

1. Approximately what percentage of criminal cases end in a guilty plea by the defendant? Explain why you believe this to be the case.

2. Define Plea Bargaining:

3. When can a plea agreement be reached?

4. What role does the judge play in the plea agreement? What does this mean in terms of sentencing?

5. Critics of plea-bargaining argue that the criminal trial process is designed to do what?

6. How does plea-bargaining subvert from all of these things in the above question?

7. Why might a defendant take a plea deal even if they are completely innocent?

8. Why do critics compare plea-bargaining as a game of “lets make a deal?”

9. What arguments do supporters of plea-bargaining offer to defend the process?

A.

B.

C.

D.

10. How did both *Santobell v. New York* & *North Carolina v. Alford* strengthen the use of plea bargains?

11. How have three strikes laws affected plea bargaining?

12. After reading the section, do you support plea-bargaining? Why or why not?

13. Imagine the prosecutor’s in the Carter case agreed upon first-degree murder. As a defense attorney would you push for a plea? As a prosecutor would you accept a plea? Why or why not?

Probable Cause Hearing (pg. 137-138)

1. What is the purpose of a probable cause hearing?

2. Describe the two types of Probable Cause Hearings.

A. Preliminary Hearings:

B. Grand Jury:

3. How are misdemeanor crimes different in regard to probable cause hearings?

4. Read the “Case Notes: Carter’s Probable Cause Hearing” section. What is the charge for Thomas Carter?

Arraignment (pg. 138-140)

1. Explain the purpose of an arraignment.

2. Outline the Typical Proceedings at an arraignment.

3. Read the “Case Notes: An Issue at the Arraignment” then Imagine that you are the judge who must rule on the defense’s motion for a gag order in this case. To prepare your ruling complete the following questions:

1. What is the purpose of a gag order?
2. What are some arguments in favor of issuing a gag order in this case?
3. What are some arguments against issuing a gag order? What rights and interests would be affected?
4. Are the alternatives to a gag order mentioned by the prosecutor sufficient to preserve a fair trial in this case?
5. Should a gag order be issued in the Carter case? Why or why not? Write a one-paragraph response to this question.