



MINNESOTA JUDICIAL TRAINING UPDATE:



DISTRICT COURT & PLEA NEGOTIATIONS: HOW FAR IS TOO FAR

QUESTION: When attorneys ask or look to you for guidance on the type of sentence you are likely to impose, how do you protect yourself from impermissibly injecting yourself into plea negotiations?

ANSWER:, You can explain your general sentencing philosophy; your past practices; what direction you are leaning toward and even set out parameters for possible sentences you may impose, however:

YOU MUST NEVER PROMISE OR COMMIT TO A PARTICULAR SENTENCE!

The following is a list of four basic guidelines:

- 1) The court's role in plea negotiations, is not to "usurp the responsibility of counsel or become excessively involved in plea negotiations".
- 2) The court may not offer or promise the defendant an anticipated sentence that is not part of an existing agreement between the defendant and the prosecutor.
- 3) Anytime a district court improperly injects itself into plea negotiations the guilty plea is per se invalid.
- 4) The district court's proper role is one of "discreet inquiry into the propriety of the settlement submitted for judicial acceptance".

Source: *State v. Melde*, A09-1050, Minn.Ct.App. Feb 22, 2010 (Reversed and remanded because the court promised defendant a prison sentence at the low end of the sentencing guidelines range.)