



MINNESOTA JUDICIAL TRAINING UPDATE



ACCEPTANCE OF GUILTY PLEA – WHEN?

PROBLEM: Defendant pleads guilty to Felony Domestic Assault (but could be any criminal offense) pursuant to a plea agreement. Court accepts the plea, orders a PSI and return for sentencing. After reading the PSI court decides NOT to accept the plea agreement. At sentencing the court rejects the previously accepted plea of guilty. Defendant argues that his continued prosecution, following the rejection of a guilty plea that the district court had accepted in open court, violated the constitutional protection against double jeopardy. *State vs. Jeffries, 787 N.W.2d 654 (Minn. App. 2010)*

QUESTION: In order to avoid claims of double jeopardy, at what point during the Plea of Guilty/Sentencing process should the presiding Judge actually accept the plea of guilty?

ANSWER and RECOMMENDED PROCEDURE: Following a plea of guilty the district court should “RESERVE” acceptance or rejection of the plea until the sentencing hearing when it has the benefit of the PSI. This straightforward approach avoids any unintended double-jeopardy implications and follows what has historically been the preferred practice of postponing acceptance or rejection of the plea and plea agreement until the PSI has been completed and reviewed. See Minn. R. Crim. P. 15.04, subd. 3(1) (allowing postponement of acceptance or rejection of plea until receipt of PSI).

Note: in the *Jeffries* case noted above, the court of appeals rejected the Double Jeopardy argument and upheld defendant’s subsequent conviction. However, in doing so the court stressed the importance of Judges following the above recommended procedure on when to accept or reject a plea of guilty.