

CHAPTER 9 – Sentencing Issue in CLJ cases

A. Obligations of counsel: Plea Agreements

1. You must keep your client advised of developments arising out of plea discussions conducted with the prosecutor, including plea proposals.
2. You must not knowingly make false statements concerning the evidence in the course of plea discussions.
3. You must be familiar with the types of pleas that may be agreed to, including binding and non-binding pleas, no lo contendere pleas, and pleas in which the defendant is not required to personally acknowledge his or her guilt. (See, North Carolina v. Alford.)
4. You must inform the client regarding whether the plea is binding or nonbinding.
5. You must ensure that your client understands all rights he or she will be waiving by entering the plea.
6. **Remember:** THE DECISION TO PLEAD GUILTY BELONGS SOLELY TO THE CLIENT.

B. Obligations of counsel: Sentencing

1. Please read and be familiar with the obligations of defense counsel at sentencing as discussed in the OPD Criminal Practice Manual, Chapter A13. (These obligations are reiterated generally on the checklist which appears at the front of this CLJ manual.)
2. Be familiar with appeal avenues available in CLJ cases and make sure to fully discuss those avenues with your client.
3. **Remember:** THE DECISION WHETHER TO PURUSE APPEAL OR NOT BELONGS SOLELY TO THE CLIENT.