

Plea Negotiations Exercise
Prosecutor

Andrew Scott

Charge(s): Felony Breaking or Entering and Obtaining Property by False Pretenses, both class H felonies
Lesser Included Offenses: *Misdemeanor Breaking or Entering (class 1 misdemeanor), no lesser included offenses for OPFP*

Prior Record Level: **Felony:** II **Misdemeanor:** III
1 felony in 2018 (Obtaining Property by False Pretenses), 1 Misdemeanor Larceny in 2015, 4 Driving While License Revoked charges (one in 2015, two in 2018, and one in 2019)

Facts from Discovery: On July 28, Jordan Riley and his wife Elizabeth Riley reported that their home had been broken into and an Xbox had been stolen. On August 4, Defendant pawned the stolen Xbox (same serial number), using his own ID at a pawn shop in town. Defendant is 22 years old.

Additional notes from the prosecutor's file: Mr. Riley wants the Defendant prosecuted "to the fullest extent of the law." Mrs. Riley knows that Defendant is young and does not want to see him go to prison. The Riley's 16-year-old son was the first one to arrive home after the break-in and had to call the police. You are still waiting on results of fingerprint and DNA analysis collected from the crime scene.

James Cole

Charge(s): Assault by Strangulation, a class H felony, and Assault on a Female, a class A1 misdemeanor
Lesser Included Offenses: *Simple Assault (class 2 misdemeanor) for both charges*

Prior Record Level: **Felony:** IV **Misdemeanor:** III
2 felonies (AWDWISI in 2005, Habitual Misd. Assault in 2016), 4 prior convictions for Assault on a Female on different dates in 2001, 2003, 2012, and 2013, Communicating Threats in 2007

Facts from Discovery: Jennifer Smith called the police to report that her ex-boyfriend had assaulted her. Defendant was not present when police arrived. Jennifer was bleeding from her lip and had red marks around her neck. The apartment appeared to be in disarray, with tables upended and broken items strewn across the floor. Police never talked to Defendant.

Additional notes from the prosecutor's file: You have attempted to reach out to Jennifer Smith several times but have not been able to reach her. Defendant has had 2 prior charges for Assault on a Female with this victim in the last 2 years, but both were dismissed when Ms. Smith did not appear in court.

Alice Newman

Charge(s): Habitual Larceny, a class H felony
Lesser Included Offenses: *Misdemeanor Larceny, a class 1 misdemeanor*

Prior Record Level: **Felony:** III **Misdemeanor:** III
No felonies, 5 prior convictions for Misdemeanor Larceny on different dates in 2015, 2016, 2017, 2018, and 2020, 1 DWI in 2018

Facts from Discovery: Defendant is on camera at Target placing various makeup items and teeth whitening strips in her purse and walking out of the store. She was never stopped by loss prevention officers. The store manager showed her picture to other loss prevention officers at other Target stores in the area, and one of them recognized Defendant from a previous larceny and identified her.

Defendant is on probation for her most recent Misdemeanor Larceny conviction and has a pending Habitual Larceny in another county. Estimated value of the property taken was \$225.

Additional notes from the prosecutor's file: The Loss Prevention Officer who observed Defendant on camera no longer works for Target and does not want to come testify, but she will if she is subpoenaed.

Robert Greene

Charge(s): Trafficking Cocaine 28-200g, a class G felony with mandatory minimum 35 month sentence, Possess Drug Paraphernalia, a class 1 misdemeanor, Carrying a Concealed Gun, a class 2 misdemeanor
Lesser Included Offenses: *Attempted Trafficking Cocaine 28-200g (class G felony, no mandatory minimum), PWISD cocaine (class H felony), Simple Possession of Cocaine (class I felony)*

Prior Record Level: Felony: I Misdemeanor: II
Noise Ordinance Violation (class 3 misdemeanor) from 2003

Facts from Discovery: Defendant was driving a car that was stopped for speeding. Defendant's older brother was the front seat passenger and owner of the car. Officers asked for and were granted consent to search the car. Cocaine was located in the unlocked glove compartment next to a firearm. Defendant's brother was also charged with the cocaine as well as Possession of Firearm by a Felon. Neither Defendant nor his brother admitted ownership of the cocaine.

Additional notes from the prosecutor's file: Attorney for codefendant (brother) tells you that Defendant will be taking responsibility for the drugs and the gun. Three officers were on the scene and wearing Body-Worn Cameras, but the video for the officer who found the drugs was corrupted and cannot be recovered.

Charles Summers

Charge(s): Attempted Robbery with a Dangerous Weapon, a class D felony
Lesser Included Offenses: *Attempted Common Law Robbery (class H felony), Attempted Larceny from the Person (class I felony), Assault with a Deadly Weapon (class A1 misdemeanor), Misdemeanor Larceny (class 1 misdemeanor) Simple Assault (class 2 misdemeanor)*

Prior Record Level: Felony: II Misdemeanor: II
2 felonies in 2005 (PWISD Cocaine and Felony Larceny), Possess Drug Paraphernalia in 2008

Facts from Discovery: Defendant allegedly entered Walmart and placed a \$60 space heater in a cart. He attempted to walk out of the store when a Loss Prevention Officer, Jasper Evans, grabbed the cart to stop him. Defendant pulled out a knife, left the cart where it was, and fled.

Additional notes from the prosecutor's file: You have spoken to Jasper Evans, who would like the Defendant to do some active time but does not care how long.

Plea Negotiations Exercise
Negotiated Pleas

Andrew Scott

Plead guilty to: _____

Dismiss: _____

Agreement as to sentencing: _____

James Cole

Plead guilty to: _____

Dismiss: _____

Agreement as to sentencing: _____

Alice Newman

Plead guilty to: _____

Dismiss: _____

Agreement as to sentencing: _____

Robert Greene

Plead guilty to: _____

Dismiss: _____

Agreement as to sentencing: _____

Charles Summers

Plead guilty to: _____

Dismiss: _____

Agreement as to sentencing: _____
