

## NEGOTIATION IN DISTRICT COURT 2006

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<b>Client information</b>	Client personal situation Potential Exposure Bottom Line
<b>DA information</b>	Personality Type Carrots and Sticks
<b>Judge information</b>	Pet Peeves Normal sentence under circumstances
<b>Trial Preparation</b>	Credible Threat Willing to Try Losers
<b>Credibility</b>	Going the extra mile to be absolutely clear about the truth Why your offer makes sense in this case
<b>Timing</b>	Gauging DA and Judge First, Middle, Last Judge Shopping Continuances to improve deal, explain deal, or get in better position to comply with deal
<b>Explaining the Offer</b>	Transcript Check List Knowing and Voluntary
<b>Rejecting Plea</b>	Signed rejection of plea offer Charges, Record Level, Potential Exposure, Plea offer Knowingly and voluntarily reject plea
<b>Taking Plea</b>	Prepare Client for Appearing before Judge “Yes, Sir” Tuck in your shirt Admission of responsibility Less is more

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## Interview Brief Summary

Age	Officer	On Probation
Employment	Witness	For What
Children	Incident Date	Probation officer
Residence	Co Defendants	Since When
Income / Ability to Pay	Jail Credit	Suspended Sentence
Treatment	Bond	Violated
Health	Phone / Pod	Jail Credit

## Voluntary Plea Transcript

*I understand that:*

**Check**

I am pleading Guilty to the following charges which will stay on my record forever:

I have at least \_\_\_\_\_ prior convictions and therefore I am a prior conviction level \_\_\_\_\_.

These charges carry a minimum of \_\_\_\_\_ and a maximum of \_\_\_\_\_ in Jail

*My plea agreement calls for the following:*

I am sentenced to \_\_\_\_\_ in jail

That sentence is Suspended for \_\_\_\_\_ months of SUPERVISED/UNSUPERVISED/INTENSIVE probation

UNSUPERVISED probation means that I must (A) commit no offense other crimes, (B) possess no weapons, (C) remain employed or in school or take vocational training to help get job (D) pay any child support. Any money that I owe will have to be paid today or by a compliance date set by the Judge.

SUPERVISED probation means that I must (A) commit no offense other crimes, (B) possess no weapons, (C) remain employed or in school or take vocational training to help get job (D) pay any child support, (E) remain in Durham County unless there is written permission from PO, (F) Report to PO for office visits (G) tell PO about changes in address and employment status, (H) pay a supervision fee of about \$20 per month. Any money that I owe will be paid over the course of probation, and I need to pay something each month.

Intensive probation means that I do everything under supervised probation, and (A) 50 hours of community service and \$200 CS fee, (B) Submit to curfew, (C) periodic drug testing, and participate in education or vocational training arranged by PO.

I must serve a part of my sentence in jail. I will spend \_\_\_\_\_ days in jail before I am released to begin my probation

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If I fail to follow what is required on probation then the court will revoke my probation and require that I serve the active time in jail.

I have been offered a deferred prosecution through the first offenders program. This means that I will have to perform 50 hours of community service within 2 months, and pay the cost of court (\$100) and community service fee (\$200). For 6 months I cannot commit any criminal offenses.

I have been offered a deferred prosecution agreement with the State. This means that I admit guilt, and once I complete all of the other conditions of my plea agreement, the State will dismiss my case and it will not appear as a conviction on my criminal record. I am placed on SUPERVISED/UNSUPERVISED probation for \_\_\_\_\_ Months

I pay the cost of court which is at least 110\$

I pay for attorneys fees of approximately \$\_\_\_\_\_.

I pay a fine of \$\_\_\_\_\_

I pay restitution in the amount of \$\_\_\_\_\_

I pay \$200 SBI Lab Fee

I complete \_\_\_\_\_ hours of community service and pay a \$200 community service fee

I must follow Drug Conditions 12-14 which include (A) submit to random searches of my person, vehicle, or premises, (B) Do not use or possess any illegal drug, (C) submit to random drug tests by PO.

I must be evaluated by TASC (Treatment Against Street Crime) and follow recommended treatment which could involve educational classes, group-process therapy, and/or out patient medical treatment.

I must report to the Criminal Resource Justice Center (CRJC) where I will be required to come every day from 8:30 until 5:30 if I am unemployed, and once I am employed I may have to attend classes in the evening from 5:30 to 8:30 - most classes are for Substance Abuse, GED or High School Equivalent, Training on how to get and keep a job, and anger management classes.

I must report to the Day Reporting Center. I understand is like the Criminal Resource Justice Center, but I will have an on-site probation officer, I will have to come on some Saturdays, and if I do not comply they can place me on electronic house arrest without going back to court. I will have to report to my case manager more often than the CRJC alone.

I must Complete the CHANGE or OPTIONS classes for anger management course that lasts 6 months and meets once per week (26 sessions). It costs \$20 per week, and I can only miss two times before I have to start over - for a total of \$520.

I must have no contact with the prosecuting witness

I must not assault, threaten, or harass the prosecuting witness

I must not go back to the premises of \_\_\_\_\_

Potential Habitual Consequences of Plea: If I have 5 or more misdemeanors, 2 of which are assaults - then the next assault conviction can be indicted as a Felony Habitual Assault (class H). If I have three felony convictions - back to back - , then my fourth felony conviction may be indicted as a habitual felon (class C)

State will dismiss the following charges:

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