

U.S. Attorney's Report to the District

In a U.S. Supreme Court opinion earlier this year, Justice Anthony Kennedy wrote that the criminal justice system today “is for the most part a system of pleas, not a system of trials.” He observed that about 97% of federal convictions nationwide are the result of guilty pleas. The statistics for this district are roughly consistent with that figure. As Justice Kennedy wrote in the same opinion, noting the prevalence of plea bargaining is not to criticize it. Courts have long approved of plea agreements as central to the administration of justice. Securing a conviction by guilty plea rather than jury trial is vastly more efficient, conserves investigative, prosecutorial and judicial resources, and spares victims the agony of testifying in a public trial. Plea agreements serve the interests of defendants, too: the federal sentencing guidelines provide an incentive, in the form of a small potential reduction in sentence, for defendants who accept responsibility for their crimes and enter a timely guilty plea.

Some question a justice system so tightly bound to plea bargaining, and in a recent editorial by a national newspaper it was asserted that federal prosecutors unfairly coerce guilty pleas by charging more serious crimes than the evidence warrants. There is room to debate the proper role of plea bargaining, but the claim that federal prosecutors overcharge cases to gain a bargaining advantage is wrong. Federal prosecutors understand that their mission is to do justice in individual cases, not just to secure a conviction or to get the maximum sentence.

That mission is reflected in Department of Justice policy. In May 2010, U.S. Attorney General Eric Holder issued a directive that prosecutors evaluate the specific facts and circumstances of each case, including the defendant's role and criminal history, make an individual assessment of the appropriate charges, and ensure that the charges “fairly represent the defendant's criminal conduct.” He specifically reaffirmed that prosecutors may not file charges simply to exert leverage to induce a guilty plea.

Aside from being inconsistent with our mission and with Department policy, overcharging a defendant makes no sense. A defendant can always insist on his right to a jury trial, and jurors must acquit defendants of charges that are not proven beyond a reasonable doubt. Federal prosecutors only charge those crimes which are deemed readily provable based on the law and the evidence, and the extremely high rate of conviction for those federal defendants who are tried by a jury – in the region of 90% -- reflects the application of that standard.

A defendant charged with a serious crime faces a difficult decision on whether to plead guilty or insist on a trial. That decision is not an unfair one, however, and the choice is his. Plea agreements can only be entered into if accepted by the defendant, his attorney, and the court. As attorneys for the United States, our role is not only to seek a just result, but to ensure the fairness and integrity of the justice system itself.

If you would like to communicate with our office, contact the main number in Sacramento, or submit a suggestion by clicking on the button below. Thank you.

United States Attorney

Benjamin B. Wagner