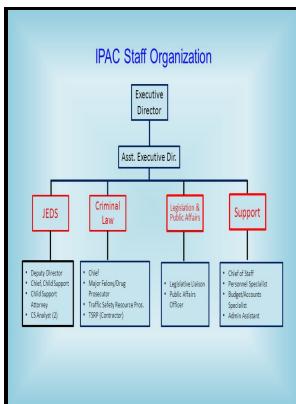


Felony drug prosecution handbook

P.J. Merriman - Drug and Alcohol Policies



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-felony drug prosecution handbook

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Prosecution

In regard to the seriousness of the offense, the guilty plea should assure that the public record of conviction provides an adequate indication of the defendant's conduct.

Prosecuting and Defending Drug Offence Cases: A Practitioner's Handbook

In this connection, the prosecutor should bear in mind the complexity of the case, the number of trial days and witnesses required, and any extraordinary expenses that might be incurred such as the cost of sequestering the jury.

9

For these reasons, governmental attorneys should make clear to defense counsel at an early stage in the proceedings that, if there are to be any plea discussions, they must be concluded prior to a certain date, and well in advance of the trial date.

Drug and Alcohol Policies

Attorneys for the government should familiarize themselves with these alternatives and should consider pursuing them if they are available in a particular case. Second, the prosecutor may seek to depart from the guidelines. Failure to include appropriate charges for which the proof is sufficient may not only result in the exclusion of relevant evidence, but also may impair the prosecutor's ability to prove a coherent case, and lead to jury confusion.

Prosecution

If the nolo plea is offered to fewer than all charges, the prosecutor should also oppose the dismissal of the remaining charges. There may be situations in which the public interest might better be served by having a case tried rather than by having it disposed of by means of a guilty plea. One factor that is obviously of primary importance is the actual or potential impact of the offense on the community and on the victim s.

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