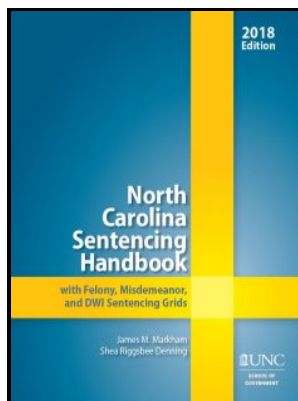


Felony drug prosecution handbook

P.J. Merriman - Prosecution



Description: -
-felony drug prosecution handbook
-felony drug prosecution handbook
Notes: PRIORITY 2.
This edition was published in 1995



Filesize: 6.91 MB

Tags: #Drug #and #Alcohol #Policies

Drug and Alcohol Policies

Similarly, the prosecutor may agree to recommend a downward adjustment for acceptance of responsibility if he or she concludes in good faith that the defendant is entitled to the adjustment.

Drug and Alcohol Policies

In determining whether to enter into a plea agreement, the attorney for the government may properly consider the probable outcome of the prosecution in terms of the sentence or other consequences for the defendant in the event that a plea agreement is reached. In this connection, as in the initial selection of charges, the prosecutor should take into account the purposes of sentencing, the penalties provided in the applicable statutes including mandatory minimum penalties, the gravity of the offense, any aggravating or mitigating factors, and any post conviction consequences to which the defendant may be subject.

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For example, in those cases where the offense to which a defendant is pleading guilty requires as an element that a third-party have a particular status e. Compliance with these requirements will be facilitated if the agreement has been reduced to writing in advance.

Prosecution

Particular care should be exercised in considering whether to enter into a plea agreement pursuant to which the defendant will enter a nolo contendere plea.

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Other relevant factors might be legal or evidentiary problems that might attend prosecution in the other jurisdiction.

Drug and Alcohol Policies

One purpose of such procedures should be to ensure consistency in the decisions within each office by regularizing the decision-making process so that decisions are made at the appropriate level of responsibility.

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