

A man was indicted in a state court in January 2015 for a robbery and murder that occurred in December 2012. He retained counsel, who filed a motion to dismiss on the ground that the man had been prejudiced by a 25-month delay in obtaining the indictment. Thereafter, the man appeared in court with his counsel for arraignment and stated that he wished to plead guilty.

The presiding judge asked the man whether he understood the nature and essential elements of the charges, possible defenses, and maximum allowable sentences. The man replied that he did, and the judge reviewed all of those matters with him. He then asked the man whether he understood that he did not have to plead guilty. When the man responded that he knew that, the judge accepted the plea and sentenced him to 25 years.

Six months later, the man filed a motion to set aside his guilty plea on each of the following grounds.

Which of these grounds provides a constitutional basis for relief?

- A. The judge did not determine that the man had robbed and killed the victim.
- B. The judge did not determine whether the man understood that he had a right to jury trial.
- C. The judge did not determine whether the prosecutor's file contained any undisclosed exculpatory material.
- D. The judge did not rule on the man's motion to dismiss before accepting the guilty plea.

Explanation:

Due process requirements for guilty plea

Voluntary

Defendant's free & deliberate choice

Knowing & intelligent

Defendant aware of:

nature & essential elements of offense

maximum & mandatory minimum sentences

waiver of constitutional right to:

plead not guilty & proceed to jury trial

remain silent

counsel (Sixth Amendment)

confront adverse witnesses

subpoena witness testimony (compulsory process)

Due process requires that a guilty plea be made (1) **voluntarily**—the product of the defendant's free and deliberate choice *and* (2) **knowingly and intelligently**—with sufficient awareness of the relevant circumstances and likely consequences of the plea. Therefore, before accepting a guilty plea, the **trial judge must ensure** (in open court and on the record) that the **defendant is aware of** the following:

the nature and essential elements of the **charged offense**

the **maximum** and any mandatory **minimum sentence** that can be imposed after a guilty plea *and*

the **constitutional rights being waived**—e.g., right to trial by jury.

If the judge fails to do so, the guilty plea is constitutionally invalid and should be set aside. The defendant is then entitled to plead anew (i.e., plead not guilty and stand trial).

Here, the man notified the judge that he wished to plead guilty. The judge then asked if the man understood the nature and essential elements of his charges, the maximum allowable sentence, and that he did not have to plead guilty. But since the judge failed to also determine if the man understood that he had a right to a jury trial—and that this constitutional right (and others) would be waived if he pled guilty—the plea was invalid and should be set aside.

(Choice A) A judge need not determine whether the defendant actually committed the charged crime before accepting his/her guilty plea.

(Choice C) The judge is not required to determine if the prosecutor's file contains undisclosed exculpatory material—i.e., evidence used to negate a defendant's guilt or mitigate punishment—before accepting a guilty plea. Additionally, the prosecution need only disclose such material before trial, not before a guilty plea.

(Choice D) The defendant is required to obtain a ruling on a motion before entering a guilty plea. If the defendant fails to do so (as seen here), the judge need not rule on the motion since it is considered waived. However, the defendant can reassert the motion if the guilty plea is set aside and he/she pleads not guilty.

Educational objective:

Due process requires that guilty pleas be made (1) voluntarily—a free and deliberate choice *and* (2) knowingly and intelligently—with sufficient awareness of the nature and essential elements of the charged offense, the ranges of possible punishment, and the constitutional rights being waived.

References

McCarthy v. United States, 394 U.S. 459, 466 (1969) (recognizing that a plea of guilty must be voluntary, knowing, and intelligent to comply with due process).

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