

# A Prosecutors Perspective of Sentencing



# Charging

## Prosecutorial Guidelines RCW 9.94A.411

- Analysis of Evidence
- Crime against persons: sufficient admissible evidence exists to justify conviction by a reasonable and objective fact finder
- Crime against property: admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact finder would convict.
- Charging for trial v. Charging for plea offer

# Plea Negotiations & Agreements

RCW 9.94A.450

A defendant will normally be expected to plead guilty to the charge or charges which adequately describe the nature of his or her criminal conduct or go to trial.

- Strength/weakness of evidence and possible defenses
- Willingness to Cooperate in other prosecution
- Victim Input
- Facts which mitigate the seriousness of Conduct
- Correct original Charges
- Criminal history
- Nature & seriousness of charge(s)
- Impact of trial on victim & witnesses

Other factors:

- Mental Health and/or SUD
- Future risk
- Sentence range v. Conduct
- Other similar cases
- Resources

# Change of Plea & Sentencing

Defendant pleads guilty in exchange for a sentence recommendation from the prosecutor

Court accept guilty plea

Sentencing:

- Prosecution calculates standard range for each charge
- Prosecutor makes State's recommendation
- Victim statement & recommendation
- Defense attorney makes defense recommendation
- Defendant's allocution
- Court imposes sentence (not bound by any agreement or recommendation of the parties)
- Judgement & Sentence entered



# Sentence Elements

- Term of Confinement
- Alternatives to Confinement
- Term of Community Custody
- Conditions:
  - Prohibitions
  - Affirmative Conduct
- Legal Financial Obligations