

Plea Market

Listen to the ROOM 2B podcast **Plea Market** at mrreview.org and complete the following exercise. Be prepared to discuss with your classmates.

1. Define plea bargain. What are the common reasons given for why plea bargains are used in our justice system?
2. What are the common criticisms for using plea bargains?
3. Investigate how these court cases have impacted the interrogation process? Do you agree or disagree with their outcomes? Explain.

Frazier v. Cupp (1969)

Oregon v. Mathiason (1977)

Bordenkircher v. Hayes (1978)

4. Read the scenario below and answer the prompts that follow:

That a guilty plea is a grave and solemn act to be accepted only with care and discernment has long been recognized. Central to the plea and the foundation for entering judgment against the defendant is the defendant's admission in open court that he committed the act charged in the indictment. He thus stands as a witness against himself, and he is shielded by the Fifth Amendment from being compelled to do so -- hence the minimum requirement that his plea be the voluntary expression of his own choice. But the plea is more than an admission of past conduct; it is the defendant's consent that judgment of conviction may be entered without a trial -- a waiver of his right to trial before a jury or a judge. Waivers of constitutional rights not only must be voluntary, but must be knowing, intelligent acts done with sufficient awareness of the relevant circumstances and likely consequences.

Excerpted from *Brady v. United States*, 397 U.S. 742 (1970)

- A. Describe the main idea or essential claim.
- B. In the context of the scenario, explain how the claim discussed in (A) is impacted by Fourteenth Amendment protections.
- C. Explain how social movements impact the outcome of plea bargains.