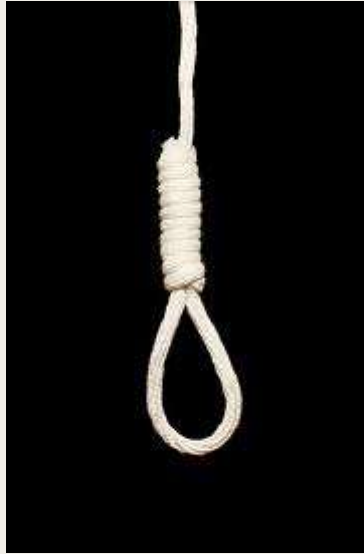


What happens if I plead guilty to a crime in Minnesota?



Guilty.

What happens if I plead guilty to a crime in Minnesota?

If you have been charged with a crime, you might already know that you have a few options for how to plead, or respond, to the charge. It's important that you talk with a lawyer about the different plea options and which one is best for your situation. But, here's an overview of what each of the pleas mean and what the consequences of them are. Keep in mind that this is not an exhaustive list of the consequences, only a starting point for you to get a general idea of them.

First, of course, you can plead **not guilty**. If you plead not guilty, your case will proceed to trial, either before a jury or a judge. If you are convicted, you will be able to appeal either the conviction or the sentence you received.

Second, in some cases, you can enter what is commonly called an **Alford plea**. You might also know of this plea as a "no contest" plea. Essentially, you are saying that you have reviewed the evidence against you and you acknowledge that a jury could convict you based on that evidence, but you still maintain your innocence. However, this is nevertheless a guilty plea and comes with the same consequences described below for guilty pleas.

A **guilty plea** admits all the elements of the crime, as charged by the State. Possibly the most important consequence of a guilty plea is that it waives several of your rights. These include the right to a trial and the right to appeal any rulings the court might have made prior to entry of your plea, such as whether evidence is admissible. When you enter a guilty plea, it may be part of a plea bargain in which you and the State have a firm agreement on the sentence you will receive. If the court rejects that sentence, you will be entitled to withdraw your guilty plea. However, if the State merely makes a recommendation as to your sentence as part of a plea agreement, the court is not required to accept that recommendation, and it is not required to allow you to withdraw your plea if the recommendation is not accepted.

You can still appeal certain issues following entry of a guilty plea. For instance, you can argue that your guilty plea was not made knowingly, in the sense that you were not appropriately advised of the meaning and consequences of the plea, or that your plea was the result of coercion by the prosecutor. Additionally, even though you can't directly appeal issues regarding the determination of your guilt, you can bring what is called a petition for post-conviction relief and argue that your attorney was deficient in advising you about the entry of a guilty plea.

What happens if you have made a guilty plea but changed your mind? After you plead guilty but before a sentence is imposed, the court has discretion to determine whether it will let you withdraw your plea or not, although it can only let you withdraw the plea if it is fair and just to do so. That means that you can't withdraw a guilty plea just for the purpose of, for example, delaying a conviction. On the other hand, the court **MUST** allow you to withdraw your guilty plea, even after a sentence has been imposed, if you can show that withdrawal of the plea is necessary to correct a manifest injustice. This "manifest injustice" is usually based on an argument that the plea was based on an incorrect factual basis or that it was entered without an understanding of the consequences. It is a difficult standard to meet, so don't plan on being able to withdraw your plea in this way.

The most important lesson here is that which plea you enter can have important consequences. Discuss the options thoroughly with your attorney before making a plea.

Any comments or questions please feel free to post a comment or send an email to

Thagen@RoKoLaw.com

Rosengren Kohlmeyer, Law Office

Mankato, Minnesota

507-625-5000

www.Rokolaw.com

