



UCI Criminology Outreach Program (COP)

Topic: Prosecutorial Decisionmaking

Prosecute: 1. To commence and carry out a legal action.
2. To institute and pursue a criminal action against a person.

Plea bargain: a negotiated agreement between a prosecutor and a criminal defendant whereby the defendant pleads guilty to a lesser offense or to one of multiple charges in exchange for some concession by the prosecutor, usu. a more lenient sentence or a dismissal of the other charges.

Dismissed: to send away; specif., to terminate (an action or claim) without further hearing, esp. before the trial of the issues involved.

Affirmed: to confirm (a judgment) on appeal.

Disaffirmed: to repudiate; to revoke consent; to disclaim the intent to be bound by an earlier transaction.

1. Two time felon caught with a small amount of marijuana. Allen Gomez has been convicted twice in California of felonies related to drugs. He was pulled over by the California Highway Patrol and was legally searched, where officers found a small amount of marijuana. Gomez claims it was not for sale and was only for personal use.

Will Prosecute Plea Bargain Dismissed

WHY?

2. Mrs. Smith notices bruises and marks on her student Maria's arms and neck. She asks Maria how she got the bruises. Maria told her it was from rough playing with her brothers. Concerned, Mrs. Smith notifies the Costa Mesa Police Department who arrests Maria's father for child abuse. However, her father was their family's only source of income and this could mean that the father will lose his job and the family will be broken up.

Will Prosecute Plea Bargain Dismissed

WHY?

3. Cecilia Rodriguez has been married for 10 years to her husband who constantly abuses her verbally and physically for the last 7 years. One night, after a long stressful day at work, her husband begins to yell at her, slapping her and threatening her life. Cecilia snaps and runs into the bedroom to get her husband's revolver in their closet. She shoots him in the head, killing him instantly.

Will Prosecute Plea Bargain Dismissed
WHY?

4. Residents of a neighborhood contacted law enforcement to let them know that their neighbors, a young male and his roommate have marijuana plants in their backyard. Law enforcement agents showed up to the home with a warrant and found the illegal plants in the gentlemen's' back yard. One of the males made the claim that he grew the plants for medicinal purposes and provided proof of his illness as well as a document for Doctor prescribed marijuana. He claimed it is cheaper for him to grow it on his own because he is heavily dependant on it due to his illness.

Will Prosecute Plea Bargain Dismissed

WHY?

5. A woman is caught stealing baby formula from a local market. She made an attempt to sneak out the formula in her baby's stroller but was seen doing so by an employee. She purchased other food from the store but attempted to steal two cans of baby formula worth 16.99 each. She claimed to be going through a financial hardship and that she was all out of baby formula for her baby. She wept and said she was truly sorry and would pay for the formula next week after she cashed a check she was expecting.

Will Prosecute Plea Bargain Dismissed

WHY?

6. Two neighborhood kids were seen breaking into a home through a wooden gate on the side of the house. They walked out of the gate with a bicycle and rode it to their house. After the police were contacted, the boys were questioned. It turned out that the bike had been a gift from one of the boy's stepfather and had been stolen from him a few days ago. He was able to provide proof that he was the owner of that bicycle and even had proof of a police report he had made when his bike was found missing.

Will Prosecute Plea Bargain Dismissed

WHY?

7. A group of teenagers are driving in a car when the vehicle gets pulled over. The officer asks if anyone in the car is on probation and one of the friends in the back is. This gives the officer probable cause to search both the vehicle and the persons in the Car. The officer finds several ounces of drugs on one of the passengers. The driver is charged with transporting narcotics.

Will Prosecute Plea Bargain Dismissed