

Can My Charges Be Reduced?

NAVIGATING CRIMINAL CHARGES

A common question we receive from clients who are facing criminal charges is, “Can my charges be reduced?” The short answer is yes, it is possible for charges to be reduced or even dropped. However, it bears some further explanation. When criminal charges are brought against you, they are brought by the prosecuting attorney, who represents the government. Therefore, the prosecuting attorney may also reduce or drop the charges at his/her discretion, and may choose to do so.



DIRECT PRE-TRIAL NEGOTIATIONS

1 Even as each side prepares its case for trial, the prosecution and defense remain in regular contact concerning your case. This gives your attorney many opportunities to highlight the elements of your case that create reasonable doubt. *The prosecution is most interested in pursuing charges with the strongest possibility of conviction.*

EXAMPLE

2 If this is your first offense, or if there is evidence of your good intentions that might sway a jury in your favor, the prosecutor may be convinced to reduce a felony charge to a misdemeanor because he/she believes there's a better chance of convicting you in that instance. Also, if multiple charges are brought, your attorney may be able to convince the prosecutor to reduce the number of counts against you.

PLEA BARGAINING

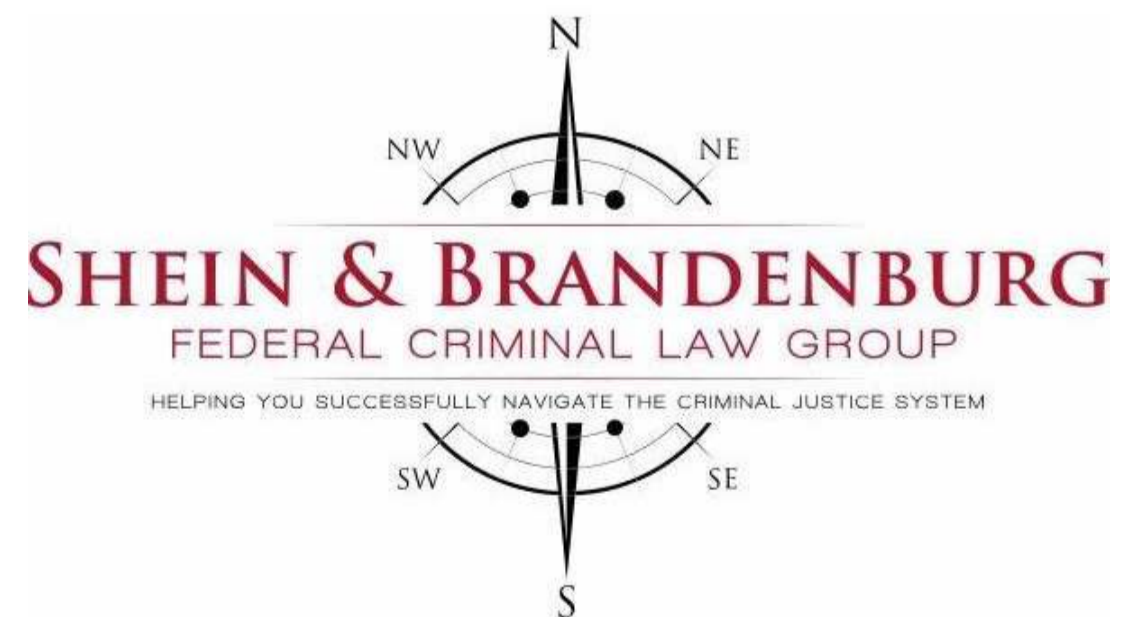
3 It's very common for your defense attorney (with your approval) to negotiate a plea bargain with the prosecution and the courts. In this case, you agree to plead guilty to a lesser crime in return for a lighter sentence, or to plead guilty to fewer counts in return for having the other counts dropped.

OUTCOME

4 Although this means you will receive some sort of penalty, that penalty is likely to be much more lenient than if you were simply brought to trial and convicted. Prosecutors often like plea bargains because they save the government the time and money that would be required for a jury trial—let alone the risk of losing the case.

WHAT YOU NEED TO KNOW

5 No defense attorney can guarantee that charges will be dropped or dismissed. That power lies only with the prosecuting attorney. However, if you hire a defense attorney with excellent pre-trial negotiation skills (and a track record to prove it), your chances of getting charges reduced goes up considerably. The sooner you involve a qualified criminal defense attorney in pre-trial negotiations, the more likely it is that your attorney will be able to negotiate for a reduction of your charges.



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