



# Office of the Ohio Public Defender

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Timothy Young, State Public Defender

## **Testimony in Support of HB234 Remorse Consideration in an Alford Plea Sponsor Representatives Williams and Rogers**

Chair Abrams, Vice Chair Williams, Ranking Member Brown, and members of the House Criminal Justice Committee, thank you for the opportunity to testify in support of House Bill 234. I am State Public Defender Tim Young.

The term *Alford plea* was born as a result of a case decided by the United States Supreme Court in 1970, in which the Court found, “An individual accused of crime may voluntarily, knowingly, and understandingly consent to the imposition of a prison sentence even if he is unwilling or unable to admit his participation in the acts constituting the crime.”<sup>1</sup> It allows a court to accept the plea of a person who is acknowledging the prosecution may have sufficient evidence to convict them of a crime and consent to punishment, even though the accused individual declines to admit actual guilt.

The OPD supports HB234, as it provides that a court should not consider the fact that the individual entered an Alford plea when determining whether the individual shows genuine remorse for the offense. By the very nature of the plea, an individual entering an Alford plea would not demonstrate remorse as they are not admitting actual guilt – rather a consent to, voluntarily and knowingly, be punished for a crime that the prosecution may be able to prove. To be clear, and as noted by Representative Williams in his testimony before this committee last week, the prosecution and the court do not have to accept an Alford plea. However, there are instances where the prosecution may elect to agree to an Alford plea (such as to avoid the risk of losing a trial, etc.). I respectfully submit that in those instances, there is a risk-averse calculation done by both the prosecution and the accused, to agree to an Alford plea. In those limited instances, it would be appropriate to remove remorse from consideration in sentencing.

Thank you for the opportunity to testify. I welcome any questions you might have for me.

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<sup>1</sup> *North Carolina v. Alford*, 400 U.S. 25.