

**41<sup>ST</sup> HOUSE DISTRICT**

LUCAS COUNTY

**Committees**

Vice Chair Criminal Justice,  
Higher Education, Primary and  
Secondary Education, Economic  
and Workforce Development



**COLUMBUS OFFICE**

VERN RIFFE CENTER  
77 SOUTH HIGH STREET 11<sup>TH</sup> FLOOR  
COLUMBUS, OH 43215-0253  
PHONE: (614) 466-1418  
REP41@OHIOHOUSE.GOV

**State Representative Joshua E. Williams  
Ohio House of Representatives**

Chair Manning, Vice Chair Reynolds, and Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to provide sponsor testimony on House Bill 234 with my joint sponsor Representative Rogers.

One of the functions of the criminal justice system is to encourage offenders to accept responsibility for their actions and pay their debt to society. Therefore, the court does not allow defendants to enter a guilty plea to the court while maintaining their innocence. In some limited instances, the prosecution and the court may allow a defendant to maintain their innocence and submit a guilty plea, known as an Alford plea, usually as part of a plea agreement. The Ohio Supreme court and the United States Supreme Court recognize Alford pleas as constitutional. However, Ohio law currently takes an inconsistent approach when it comes to Alford pleas currently.

Under Section 2929.12 of the Ohio Revised Code, the sentencing court SHALL consider the defendant's remorse or lack thereof, when determining an appropriate sentence. While it is sensible to consider remorse as a factor in sentencing, the language in this statute penalizes those who submit an Alford plea, as the judge has *no choice* but to consider the defendants protestation of their innocence as a lack of remorse and sentence them accordingly. In some cases, more harshly than if they had pled guilty.

**77 SOUTH HIGH STREET, COLUMBUS, OHIO 43215-6111**  
**www.ohiohouse.gov**

**41<sup>ST</sup> HOUSE DISTRICT**

LUCAS COUNTY

**Committees**

Vice Chair Criminal Justice,  
Higher Education, Primary and  
Secondary Education, Economic  
and Workforce Development



**COLUMBUS OFFICE**

VERN RIFFE CENTER  
77 SOUTH HIGH STREET 11<sup>TH</sup> FLOOR  
COLUMBUS, OH 43215-0253  
PHONE: (614) 466-1418  
REP41@OHIOHOUSE.GOV

**State Representative Joshua E. Williams  
Ohio House of Representatives**

Under this legislation, the court would be prohibited from imposing harsher sentences on those who submit an Alford plea, based the idea that they do not show remorse. However, this bill does not interfere with the right of the judge or the prosecution to accept or reject an Alford plea. Typically, the defendant must demonstrate to the court that there is a good faith basis for the plea.

The Supreme Court of Ohio has upheld the use of Alford pleas in a plethora of cases, affirming its utility and constitutionality in criminal law. By amending the sentencing guidelines in 2929.12 and 2929.22, we can align sentencing guidelines with judicial and common law precedent in the state of Ohio.