

41ST HOUSE DISTRICT

LUCAS COUNTY

Committees

Vice Chair Criminal Justice,
Higher Education, Primary and
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**State Representative Joshua E. Williams
Ohio House of Representatives**

Chair Abrams, Ranking Member Brown, and fellow members of the House Criminal Justice Committee, thank you for the opportunity to provide sponsor testimony on House Bill 234 with my joint sponsor Representative Rogers.

This legislation is meant to protect a defendant's ability to plead guilty while maintaining one's innocence to the court, a precedent established by the Supreme Court in *North Carolina v Alford* in 1970. The Defendant, Henry Alford faced a potential death sentence for the death of Nathaniel Young. Although Henry Alford maintained that he was innocent, he plead guilty to the lesser included offense of second-degree murder to avoid the death penalty. Upon appeal, the court concluded that a defendant may reasonably choose to plead guilty to avoid the consequences of a full trial, even if they believe themselves to be innocent. This decision accounts for the difficult reality that innocent people may choose to plead guilty for the sake of avoiding potentially long jail sentences or death.

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

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choice but to consider the defendants protestation of their innocence as a lack of remorse and sentence them accordingly.

Under this legislation, the court would be prohibited from imposing harsher sentences on those who submitted 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 the Alford plea 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.

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