



"Carl E. Person"  
<carlpers@ix.netcom.com>

04/01/2003 12:23 PM

To: <James\_Ishida@ao.uscourts.gov>,  
<Peter\_McCabe@ao.uscourts.gov>  
cc: <carlpers@ix.netcom.com>, <whkurait@aol.com>  
Subject: Proposed Rule to Correct Plea-Bargaining Abuses -  
www.lawmail.com/pleabarg

4/1/03

03-CR-

C

Hi Peter (I'm guessing at your email address). I have developed a rule to reduce the evils of plea bargaining, and once again (similar to my electronic discovery proposals) it is based on a free-market solution. My website at [www.lawmail.com/pleabarg](http://www.lawmail.com/pleabarg) contains the fully-developed idea, together with other information about plea bargaining.

In substance, I am suggesting that any federal judge demand, as a condition to his/her signing any more plea bargain deals, that the prosecutor permit 1 out of 10 plea-bargained cases - **SELECTED AT RANDOM** - to be tried anyway (with appropriate financing for the defendant), and if the defendant gets off, then the plea bargain deal with that particular defendant is null and void. More importantly, the percentage of these randomly-selected cases in which the defendant prevails will be the new percentage (instead of 10%) of all plea-bargained cases to be similarly tried - **ALSO AT RANDOM**.

This will require the prosecutor to have better criminal cases, and reduce the overall number of criminal cases without further financing by the government. In other words, the prosecutors will be forced, within their existing or supplemental budgets, to prosecute the better cases, and not indiscriminately indict as many people as they do in reliance on the 98% plea-bargaining rate (coupled with the extortionate sentencing system) to produce criminal convictions. A free market such as this, with the prosecution having to spend its allotted funds wisely (rather than throwing most of the litigation costs on the indicted persons) will result in a closer relationship between plea bargains and actual convictions at trial, so that persons are not deprived of their constitutional right to a trial through the semi-extortionate system of sentencing disparity and related lack of authority of the judge to decrease the statutory sentence.

If anyone wanted to come up with a new concept to end abuses in our evolving plea-bargaining system, he/she would probably develop something similar.

I am interested in what your initial reaction is to this proposal.

Carl E. Person

**Mailing Address:**

Carl E. Person, *Esq.*  
325 W. 45th St. - Suite 201  
New York NY 10036-3803

Tel: 212-307-4444  
Fax: 212-307-0247