

10.3 Plea Negotiations

In 2002, the North Carolina Sentencing and Policy Advisory Commission (Sentencing Commission) conducted a statewide study of sentencing practices under North Carolina's sentencing laws, focusing on two areas of discretion: plea negotiations and sentencing. NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION, [SENTENCING PRACTICES UNDER NORTH CAROLINA'S STRUCTURED SENTENCING LAWS](#) (2002). The Sentencing Commission examined both legal and extralegal factors, such as race, affecting outcomes for defendants at those two stages. In the context of plea negotiations, the Commission examined whether similarly situated offenders received certain "breaks," such as a reduction from a felony charge to a misdemeanor, or imposition of a suspended sentence of imprisonment instead of an active one. The study did not conclude that race was a factor in sentence outcomes in North Carolina. In the spring of 2011, a candidate for the Masters of Public Administration degree at the UNC School of Government undertook a similar study, using more recent data to determine the extent to which legal and extralegal factors influenced sentencing outcomes, and concluded that race was a significant factor in discretionary decisions to impose an active sentence of imprisonment. See Michelle L. Hall, [Disparity under Structured Sentencing in North Carolina: Do Similarly Situated Offenders Receive Different Outcomes Based on Legally Irrelevant Factors?](#) (Spring 2011) (unpublished UNC School of Government MPA Thesis). Additional information on sentencing is discussed below.