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## Fields v. Oklahoma 123 S. Ct. 1208 (2003)

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# Fields v. Oklahoma

## 123 S. Ct. 1208 (2003)

### I. Introduction

On February 7, 1994, Bobbi Joe Fields (“Fields”) entered a blind guilty plea<sup>1</sup> to first degree felony murder.<sup>2</sup> Before Fields entered his plea, his attorneys and the judge informed him that by entering this plea “he could be sentenced to life, life without parole, or death.”<sup>3</sup> Fields’s attorney, Catherine Burton (“Burton”), convinced Fields to enter a blind guilty plea due to her belief that she had an unspoken deal with the trial judge.<sup>4</sup> Burton believed that she had a “wink and a nod” from the judge and that entering a blind guilty plea was Fields’s best chance to avoid the death penalty.<sup>5</sup> At the sentencing hearing, the trial judge found that the prosecution proved three aggravating circumstances and sentenced Fields to death.<sup>6</sup> Fields’s conviction and sentence were upheld on direct appeal and his application for a writ of habeas corpus was denied.<sup>7</sup> The United States Supreme Court denied Fields’s application for a stay of execution and petition for a writ of certiorari.<sup>8</sup>

### II. Discussion

While Fields raised a number of issues in his appeal to the United States Court of Appeals for the Tenth Circuit, he raised only one issue of interest. Fields argued that he entered a blind guilty plea involuntarily because he was misinformed about his chances of receiving a death sentence.<sup>9</sup> Fields’s case illustrates the importance of not pleading guilty without assurance that the guilty plea may be withdrawn if the court does not agree to accept a negotiated life sentence. Virginia Supreme Court Rule 3A:8(c)(4) states that if a defendant pleads guilty under Rule 3A:8(c)(1)(C), which provides for a plea agreement that includes a specific sentence, and the court does not accept the plea agreement in

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1. A blind plea of guilty is simply a plea of guilty without an assurance of the sentence to be imposed.

2. *Fields v. Gibson*, 277 F.3d 1203, 1209-10 (10th Cir. 2002).

3. *Id.* at 1210.

4. *Id.* at 1209-10.

5. *Id.* at 1211.

6. *Id.*

7. *Id.* at 1211, 1222.

8. *Fields v. Oklahoma*, 123 S. Ct. 1208, 1208 (2003).

9. *Fields*, 277 F.3d at 1212.

its entirety, the defendant may withdraw his plea.<sup>10</sup> In contrast, under Rule 3A:8(c)(1)(B), if the prosecution merely agrees to recommend a sentence or not oppose the defendant's request for a particular sentence, then the defendant's plea cannot be withdrawn if the court does not accept the recommendation or request.<sup>11</sup> In Virginia, *Dubois v. Commonwealth*<sup>12</sup> illustrates the risk that a defendant takes by accepting a plea based on a prosecutor's recommended sentence.<sup>13</sup> In *Dubois*, the trial judge sentenced the defendant to death despite the prosecutor's recommendation of a life sentence.<sup>14</sup>

Counsel should advise his client only to accept a plea agreement that is predicated on receiving a life sentence and retaining the ability to withdraw the plea if the court does not accept the agreement. Counsel risks the imposition of the death penalty without a trial if he advises his client to enter a blind guilty plea. *Fields* and *Dubois* illustrate the dangers of entering such a plea.<sup>15</sup>

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10. VA. SUP. CT. R. 3A:8(c)(4) (2002) (stating that if a plea agreement described in subdivisions (c)(1)(A) or (C) is rejected by the court, neither party is bound by the agreement); VA. SUP. CT. R. 3A:8(c)(1)(C) (2002) (allowing the attorney for the Commonwealth to agree "that a specific sentence is the appropriate disposition of the case").

11. VA. SUP. CT. R. 3A:8(c)(1)(B) (2002) (stating that the attorney for the Commonwealth may recommend a sentence or agree not to oppose the defendant's request for a particular sentence and noting that this recommendation or request is not binding on the court); VA SUP. CT. R. 3A:8(c)(2) (2002) (emphasizing that a plea under subdivision (c)(1)(B) cannot be withdrawn if the court does not accept the prosecution's recommendation).

12. 435 S.E.2d 636 (Va. 1993).

13. See *Dubois v. Commonwealth*, 435 S.E.2d 636, 639 (Va. 1993) (noting that the trial court was not bound to accept the recommendation of the Commonwealth).

14. *Id.* at 636.

15. See *Fields*, 277 F.3d 1212; *Dubois*, 435 S.E.2d at 639.