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Fields v. Oklahoma  

I. Introduction

On February 7, 1994, Bobbi Joe Fields ("Fields") entered a blind guilty plea\(^1\) to first degree felony murder.\(^2\) 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."\(^3\) 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.\(^4\) 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.\(^5\) At the sentencing hearing, the trial judge found that the prosecution proved three aggravating circumstances and sentenced Fields to death.\(^6\) Fields's conviction and sentence were upheld on direct appeal and his application for a writ of habeas corpus was denied.\(^7\) The United States Supreme Court denied Fields's application for a stay of execution and petition for a writ of certiorari.\(^8\)

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.\(^9\) Fields's case illustrates the importance of not pleading guilty without assurance that the guilty plea may be withdrawn if the court does not agree to accept a negotiated life sentence.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.
9. Fields, 277 F.3d at 1212.
its entirety, the defendant may withdraw his plea. 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a sentence or not oppose the defendant's request for a particular sentence, then the defendant's plea cannot be withdrawn if the court does not accept the recommendation or request. In Virginia, Dubois v. Commonwealth illustrates the risk that a defendant takes by accepting a plea based on a prosecutor's recommended sentence. In Dubois, the trial judge sentenced the defendant to death despite the prosecutor's recommendation of a life sentence.

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.

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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).


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.