

NARRATIVE STYLE:

Pleading Guilty or Not Guilty

- » The video that accompanies this lesson offers more insight into how to frame your narrative, depending upon whether you pled guilty, or whether a jury convicted you. Either way, we encourage you to start sowing seeds that will help the judge learn more about you as an individual, and counterbalance what you should expect prosecutors to say.
- » <https://youtu.be/d-jS3KJdxw4>

Learning Objectives:

By the end of this lesson, students will be able to:

- » Understand how narrative style differs depending on whether they pleaded guilty or went to trial and were convicted.
- » Recognize how acceptance of responsibility influences tone, structure, and credibility.
- » Learn strategies for maintaining honesty and accountability while protecting appellate rights.
- » Analyze the judge's perspective and how professional background and biases may shape sentencing decisions.
- » Apply narrative techniques that humanize them while respecting legal strategy.

Lesson Summary:

Every sentencing hearing involves one key figure—the judge. While attorneys, probation officers, and prosecutors all have roles, it is ultimately the judge who determines the outcome. The narrative style a defendant chooses to adopt plays a pivotal role in shaping how the judge perceives them.

For those who plead guilty, the sentencing narrative must convey unambiguous acceptance of responsibility. This is not the time to minimize

involvement, shift blame, or argue facts of the case. Judges—often former prosecutors or attorneys with backgrounds in law enforcement—value honesty, humility, and accountability. A narrative that takes ownership “ten times over” demonstrates sincerity and positions the defendant as a candidate for mercy. The tone must be respectful, first-person, and focused on lessons learned, steps toward making amends, and a commitment to law-abiding conduct moving forward.

If you proceeded through trial, and jury convicted, then you may want to take a different approach in writing your narrative. First, consider whether you want to appeal the conviction. If you want to appeal, you may not be able to talk about the crime, or your role in the crime, because your statements may jeopardize your appeal. Still, you can carefully construct your narrative to build goodwill without undermining legal strategy.

Instead of discussing the conviction, focus on the backstory, personal development, and lessons learned from the overall experience when writing the narrative. A respectful acknowledgment of the court and jury’s role—without disputing or admitting facts—will allow you to maintain appellate rights while still humanizing yourself before the judge.

In both scenarios, the key is to write for an “audience of one.” Judges see hundreds of defendants, many of whom fail to prepare a thoughtful narrative. Those who prepare stand out as being serious, intentional, and accountable. By tailoring tone and content to specific circumstances—whether guilty plea or trial conviction—defendants can maximize the impact of their words.

Ultimately, the goal is to present a sentencing narrative that goes beyond legal arguments and shows the judge the individual’s humanity. Regardless of guilt or conviction status, the narrative should demonstrate growth, responsibility, and a commitment to a better future.

Key Takeaways

- » Narrative style must be tailored to whether you pleaded guilty or went to trial.
- » Guilty pleas require full acceptance of responsibility without minimization.



- » Trial convictions require careful wording to protect appeal rights while still humanizing yourself.
- » Judges often come from law enforcement backgrounds, so accountability resonates strongly.
- » A respectful, first-person tone is essential for credibility.

Self-Directed Exercise

Write two short narrative introductions:

1. If pleading guilty: Draft a half-page statement where you take full responsibility for your actions. Focus on lessons learned and your plan to make things right.
2. If convicted at trial: Draft a half-page statement where you acknowledge the court process, avoid discussing the crime itself, but share personal insights, growth, and values that define you.

Compare the two drafts and reflect on how tone and content differ.

Assessment Questions

1. Why must the tone of a sentencing narrative differ depending on whether the defendant pleaded guilty or went to trial?
2. What qualities do judges typically value in a guilty-plea narrative?
3. Which of the following should not be included in a guilty-plea narrative?
 - ◇ a) Acceptance of responsibility
 - ◇ b) Minimization of the offense
 - ◇ c) Commitment to change
 - ◇ d) Lessons learned
4. How can a defendant maintain appellate rights while still presenting a meaningful narrative after a trial conviction?
5. Who is the primary audience of a sentencing narrative, and why is that important?

