

THE PLEA

CASE STUDY

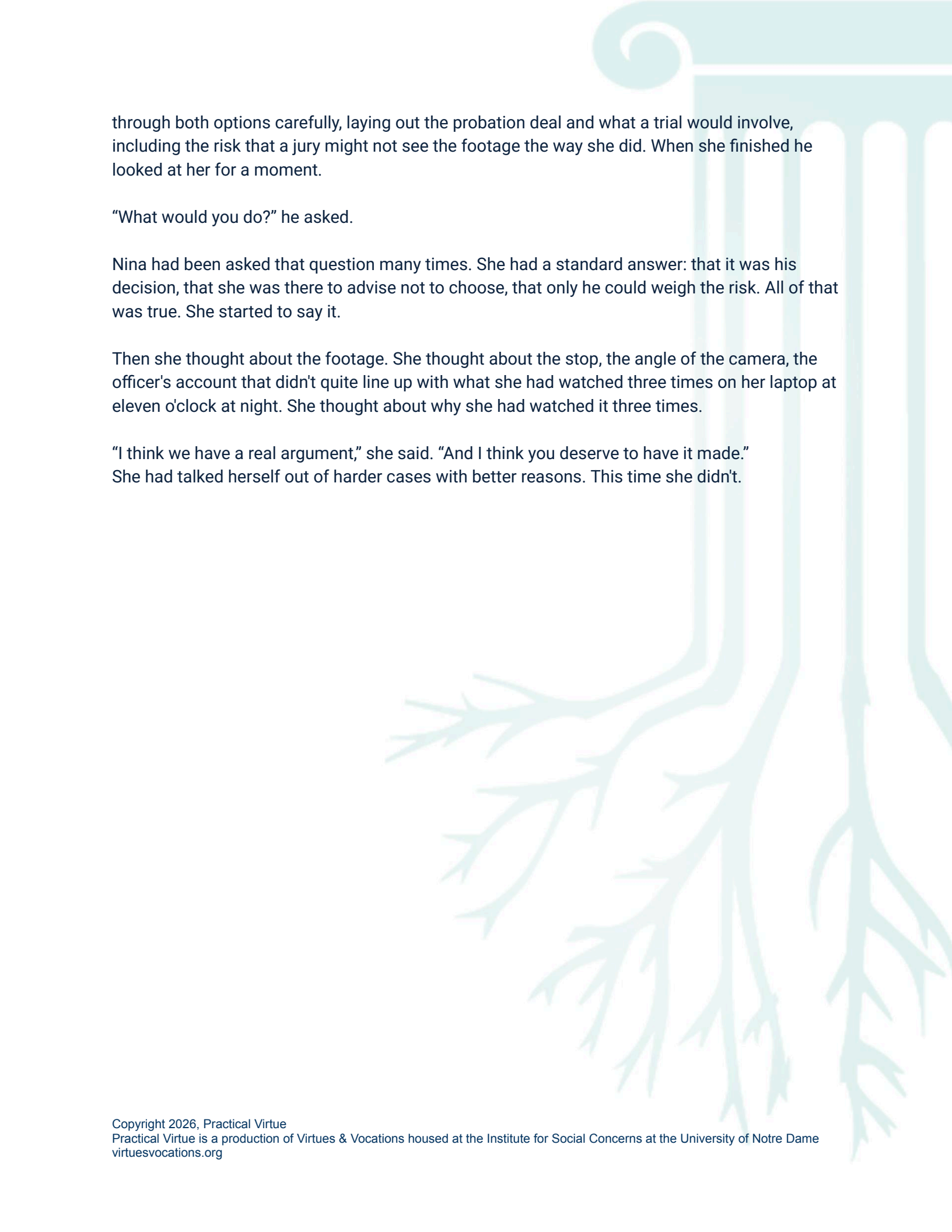
Nina Castellano had become a public defender because she believed that everyone who walked into a courtroom deserved someone in their corner who was fully present, fully prepared, and unwilling to treat their case as a transaction. In her first years, that belief had been easy to carry. She had brought an almost stubborn energy to every case, stayed late on motions that more experienced colleagues had already mentally conceded, and pushed for trials that her supervisors quietly thought were not worth the effort. She had lost most of them. She had not minded losing, then, because she had believed that fighting well was its own form of justice.

Eleven years later, she was not sure she still believed that. The losses had stopped surprising her. The underfunded office, the unmanageable docket, the clients she had fought hard for and watched sentenced anyway — none of it had broken her exactly, but it had changed the texture of how she worked. She was more efficient now, more strategic, quicker to assess a case and quicker to counsel a client toward the realistic option. Her supervisors considered this maturity. She sometimes wondered if it was something else.

Marcus Teller was nineteen years old, charged with misdemeanor possession following a traffic stop that Nina had serious questions about. His record was clean. He had a job, a mother who showed up to every hearing, and the kind of disposition that made her think, when she first met him, that he was going to be fine regardless of how this went. The prosecution had offered a plea: eighteen months probation, no jail time, a misdemeanor conviction on the record. It was not a bad offer. It was also, in Nina's assessment, probably beatable at trial given the circumstances of the stop — but probably was doing real work in that sentence, and she knew it.

She technically had the bandwidth to fight it. She had reviewed the body camera footage twice, identified two potential suppression arguments, and already had a trial theory in mind. But she had also, in the days since the offer came in, found herself mentally drafting the conversation in which she advised Marcus to take it. She knew how that conversation went. She had given versions of it many times, and she had learned to give it in a way that felt like counsel rather than surrender. The offer was reasonable. The system was what it was. A misdemeanor conviction on a first offense was not the end of a life. She had told herself all of this, and none of it was wrong.

She met with Marcus on Wednesday afternoon. He was calm in the way young clients sometimes were when they didn't fully understand what they were deciding. She walked him

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through both options carefully, laying out the probation deal and what a trial would involve, including the risk that a jury might not see the footage the way she did. When she finished he looked at her for a moment.

"What would you do?" he asked.

Nina had been asked that question many times. She had a standard answer: that it was his decision, that she was there to advise not to choose, that only he could weigh the risk. All of that was true. She started to say it.

Then she thought about the footage. She thought about the stop, the angle of the camera, the officer's account that didn't quite line up with what she had watched three times on her laptop at eleven o'clock at night. She thought about why she had watched it three times.

"I think we have a real argument," she said. "And I think you deserve to have it made." She had talked herself out of harder cases with better reasons. This time she didn't.