

UNCONSTITUTIONAL ASPECTS OF THE GUILTY PLEA PROCEDURE

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ABSTRACT: *In cases where criminal proceedings do not concern a crime punishable by life imprisonment, the presiding judge intimates the defendant that he can request the judgment to be based only on evidence taken during prosecution and based on the documents submitted by the parties, if he fully acknowledges the facts incriminating him. If the court is notified with the commission of a crime for which the law provides life imprisonment, the issue of simplified procedure will no longer occur. If we speak of an attempt to such a crime, the question of the simplified procedure does not exist. But, whatever the defendant should acknowledge is not the legal classification of the crime but the facts in their substantiality. Basically, the possibility of exercising a legal right, like that of applying for the simplified procedure, is influenced by the decision of the prosecutor which may be wrong. The disadvantage of the defendant consists of the fact that even after the legal classification of the crime is changed, he will not be able to benefit from mitigated penalty limits.*

KEYWORDS: *Unconstitutionality, guilty plea procedure, life imprisonment.*

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