

Maynard, Chief Justice, dissenting:

**FILED**  
**December 6, 2000**  
RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

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I dissent because I believe that it was within the trial court's discretion to reject an untimely plea agreement in order to control its docket. The facts show that the appellant had several days in which to accept the plea offer made by the prosecuting attorney, but did not decide to do so until after all pre-trial matters were concluded and the trial was scheduled to begin the next day. If the appellant wanted to offer a plea, he should have done so in a timely manner.

Our law states that trial courts have discretion to refuse plea bargains. The trial court in this case properly exercised its discretion and stated on the record the reason for its decision. The refusal of untimely pleas is a useful tool with which trial courts can control their over-crowded dockets promote judicial economy, save jury fees, and avoid needless delays in the administration of justice. By reversing the trial court, and fashioning a needless and overly broad new rule, the majority unreasonably snatches this useful tool from the hands of trial courts. Accordingly, I dissent.