



Beyond the Verdict: Why Plea Agreements in Sex Crimes Cases Can Serve Justice

BY: Tom Walsh, Rockland County District Attorney



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One of the most difficult questions prosecutors face, is why we sometimes resolve a sex crime case through a plea agreement rather than a trial. The answer is simple; our duty is to seek justice while protecting victims whenever the law and facts allow.

This is especially true when a child is a victim of sexual abuse. Asking any witness, particularly a child, to testify about sexual exploitation in a courtroom requires them to relive one of the most traumatic experiences of their life. Even with the protections provided by our courts, the process of direct examination and cross-examination can be emotionally overwhelming, if not damaging. Many victims are not able to endure the experience and are unwilling to testify.

When the evidence supports it, a guilty plea can achieve justice without forcing a child or other victim to repeatedly recount deeply personal and painful events. A plea agreement results in a criminal conviction, holds the offender accountable, and often provides a quicker resolution that allows victims and their families to begin healing. It also eliminates the uncertainty of a trial and reduces the risk that a victim will suffer additional emotional harm through a protracted trial.

Every plea agreement is carefully evaluated. Prosecutors consult with victims and their families, consider the strength of the evidence, the seriousness of the offense, the defendant's criminal history, and the need to protect the public. A plea is never offered simply because a trial would be difficult. Just as importantly, a plea agreement does not become final unless a judge agrees to it after an independent review of the terms in open court and determines that it is fair, lawful, and in the interests of justice. If the interest of justice requires a trial, we will present the evidence to a jury.

At the Rockland County District Attorney's Office, our responsibility is to seek justice with compassion and protect the victim. When a fair plea secures accountability, protects the public, and spares a child and other sex abuse victims from unnecessary trauma, it is not a compromise of justice. It is justice carried out with humanity, understanding and compassion.

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