

Below is an argument created from the Kanin article. It shows how to use both the results and methodology to support and challenge arguments. The issue that the students were examining was a policy with a particular prosecutor's office that permitted plea offers for alleged sex crimes in which the reduced sentence/charge was based on the defendant's agreement not to investigate the case.

How an empirical article is transformed into support in a policy argument:

Ms. Margolis will argue that she should have the ability to investigate the case against her because of the prevalence of false accusations. For instance, one study said it is important to question the validity of the claims because a substantial amount of accusations are unfounded. [cite article] The author critically analyzed a pair of studies that found nearly half of the forcible rape accusations were proven to be false. *Id.* at 46. Though the author notes that both studies have limitations, including sample size and non-representative samples, he also cautions that "the mere number of publicized incidents of false accusations of rape over the last two decades indicates not only a need for further investigation into the problem, but a better understanding of how to identify such cases." *Id.* Further, the author identifies key traits to a false accusation including the "victim" needing an alibi, previous contact between the "victim" and the rapist, and delayed report to authorities. *Id.* at 47. Ms. Margolis may say that an inability to investigate could result in her falling prey to a false accusation. She may need to investigate the matter sufficiently to get an adequate understanding of how concrete the case against her is.

The State may counter that, due to the inconsistencies in the data, surveys of false allegations should be ignored. The same study admits that a more extensive review of false accusations has a range of 1-90 percent. *Id.* at 46. That wide range should discredit the information because it is too broad. Further, if the conservative numbers are considered, there is such a small risk of error that it would not make sense to allow discovery. Last, a person entering a guilty plea for a sex offense would have some idea of the

facts of the event, and that is sufficient to make a knowing plea. An innocent party would most likely not plea guilty to a crime they know they did not commit.

