

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States v. Duarte Godinez

No. 20-60596 (5th Cir. Apr. 7, 2021) (per curiam) (unpublished) · No. No. 20-60596 · Decided April 7, 2021

SUMMARY

The Fifth Circuit dismissed Maria Teresa Duarte Godinez’s appeal of her 262-month sentence for conspiracy to possess with intent to distribute methamphetamine. The court held that her plea-agreement appeal waiver was knowing and voluntary and applied to her claim that the sentence was unreasonable, granting the Government’s motion to dismiss.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Higginbotham, Circuit Judge; Jones, Circuit Judge; Costa, Circuit Judge
JURISDICTION	Federal
DECIDED	April 7, 2021
DOCKET	No. 20-60596
DISPOSITION	dismissed
PROCEDURAL POSTURE	Duarte Godinez appealed her sentence after pleading guilty. The Government moved to dismiss based on the appeal waiver in the plea agreement and alternatively moved for summary affirmance.
STANDARD OF REVIEW	The validity of an appeal waiver is reviewed de novo.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Maria Teresa Duarte Godinez v. United States of America

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QUESTIONS PRESENTED

1. Whether the appeal waiver in the plea agreement was knowing and voluntary.

2. Whether the appeal waiver applied to Duarte Godinez's challenge to the reasonableness of her sentence.
3. Whether enforcing the appeal waiver would violate due process or constitute a miscarriage of justice.

HOLDINGS

1. The appeal waiver was knowing and voluntary because the record showed that Duarte Godinez knew she had a right to appeal and understood that she was giving up that right in the plea agreement.
2. The plain language of the appeal waiver barred Duarte Godinez's challenge that her sentence was unreasonable because it failed to account for unwarranted sentencing disparities.
3. Enforcing the valid appeal waiver did not warrant an exception based on due process or miscarriage-of-justice arguments.

FACTUAL BACKGROUND

Duarte Godinez pleaded guilty to conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine. She received a 262-month prison sentence. Her plea agreement waived her right to appeal the sentence on any ground except ineffective assistance of counsel, but she appealed on the ground that the sentence was unreasonable because it did not account for unwarranted sentencing disparities.

PROCEDURAL HISTORY

Duarte Godinez pleaded guilty in the United States District Court for the Southern District of Mississippi to conspiracy to possess with intent to distribute 500 grams or more of a mixture or substance containing methamphetamine. The district court imposed a 262-month prison sentence. On appeal, she challenged the reasonableness of the sentence and argued that enforcing the appeal waiver would violate due process and result in a miscarriage of justice.

DISPOSITION

dismissed

CASES CITED

- United States v. Baymon, 312 F.3d 725, 727 (5th Cir. 2002)
- United States v. Portillo, 18 F.3d 290, 292 (5th Cir. 1994)
- United States v. Bond, 414 F.3d 542, 544, 546 (5th Cir. 2005)

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