

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

United States v. Oscar Chavez-Diaz

No. 18-50391, United States Court of Appeals for the Ninth Circuit (February 5, 2020)

SUMMARY

The Ninth Circuit held that an unconditional guilty plea waives a defendant's right to appeal antecedent constitutional claims, including equal protection and due process challenges to prosecution procedures, unless the claim falls within the narrow Menna-Blackledge exception for challenges that would extinguish the government's power to prosecute. The court clarified that *Class v. United States* does not expand this exception to all constitutional claims that do not contradict factual guilt; rather, the exception applies only where success would mean the government cannot prosecute the defendant at all. Because Chavez-Diaz's challenges to the Southern District's separate calendar for illegal entry cases and related practices did not implicate the government's power to prosecute him, his unconditional guilty plea waived those claims.

CASE DETAILS

COURT	United States Court of Appeals for the Ninth Circuit
WRITING FOR THE COURT	Daniel A. Bress; Carlos T. Bea; Daniel P. Collins
JURISDICTION	Federal
DECIDED	February 5, 2020
DOCKET	18-50391
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of California, which had held that the defendant's constitutional challenges were not waived by his guilty plea and rejected them on the merits.
PRECEDENTIAL VALUE	published
PARTIES	OSCAR JESUS CHAVEZ-DIAZ v. UNITED STATES OF AMERICA

TOPICS

criminal procedure

appellate procedure

waiver

due process

equal protection

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Chavez-Diaz’s unconditional guilty plea waived his right to appeal his equal protection and due process claims regarding the handling of his prosecution.

HOLDINGS

1. A defendant who enters an unconditional guilty plea waives the right to appeal antecedent constitutional violations, including equal protection and due process claims, unless the claim falls within the Menna-Blackledge exception which requires that the claim, if successful, would extinguish the government's power to prosecute the defendant at all.

KEY QUOTATIONS

“When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the guilty plea. He may only attack the voluntary and intelligent character of the guilty plea.” (at 3-4)

“A valid guilty plea also renders irrelevant—and thereby prevents the defendant from appealing—the constitutionality of case-related government conduct that takes place before the plea is entered.” (at 5)

“In Blackledge, the concessions implicit in the defendant's guilty plea were simply irrelevant, because the constitutional infirmity in the proceedings lay in the State's power to bring any indictment at all.” (at 11)

FACTUAL BACKGROUND

Chavez-Diaz, a Mexican citizen, illegally entered the United States on July 10, 2018. He was charged with misdemeanor illegal entry. The Southern District of California had instituted separate procedures for such cases, including group appearances and same-day pleas. Chavez-Diaz appeared before a magistrate judge the day after apprehension, and his attorney objected to the system as violating equal protection and due process. The magistrate judge overruled, and Chavez-Diaz pleaded guilty unconditionally without accepting a plea agreement. He was sentenced to time served.

PROCEDURAL HISTORY

Chavez-Diaz pleaded guilty before a magistrate judge to illegal entry, then appealed to the district court raising due process and equal protection challenges. The district court held that the challenges were not waived under *Class v. United States* and rejected them on the merits. Chavez-Diaz appealed to the Ninth Circuit.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

with instructions to dismiss the appeal

CASES CITED

- Tollett v. Henderson, 411 U.S. 258 (1973)
- Class v. United States, 138 S. Ct. 798 (2018)
- Menna v. New York, 423 U.S. 61 (1975)
- Blackledge v. Perry, 417 U.S. 21 (1974)
- United States v. Broce, 488 U.S. 563 (1989)
- United States v. Diaz-Ramirez, 646 F.3d 653 (9th Cir. 2011)
- United States v. Lopez-Armenta, 400 F.3d 1173 (9th Cir. 2005)
- United States v. Brizan, 709 F.3d 864 (9th Cir. 2013)
- United States v. Jackson, 697 F.3d 1141 (9th Cir. 2012)
- United States v. Bohn, 956 F.2d 208 (9th Cir. 1992)
- United States v. Ruiz, 536 U.S. 622 (2002)
- United States v. Montilla, 870 F.2d 549 (9th Cir. 1989)
- United States v. O'Donnell, 539 F.2d 1233 (9th Cir. 1976)
- United States v. Smith, 60 F.3d 595 (9th Cir. 1995)
- In re Gallaher, 548 F.3d 713 (9th Cir. 2008)
- United States v. Arzate-Nunez, 18 F.3d 730 (9th Cir. 1994)
- United States v. Echegoyen, 799 F.2d 1271 (9th Cir. 1986)
- Linkletter v. Walker, 381 U.S. 618 (1965)

INSTRUCTIONS FOR AN AI ASSISTANT

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