

6TH CIR.

In re United States

No. No. 21-1318, 6th Cir. (April 26, 2022)

SUMMARY

The Sixth Circuit granted a writ of mandamus, holding that a district court violated Rule 11(c)(1) by announcing a categorical practice of rejecting plea agreements containing appeal waivers during ongoing negotiations, which constituted impermissible judicial participation. The court also held that the district court abused its discretion by rejecting the parties' plea agreement based on a generalized policy against appeal waivers rather than a case-specific, individualized assessment. The decision clarifies that Rule 11 absolutely prohibits judicial comments on hypothetical plea agreements, and that district courts must articulate sound, case-specific reasons when rejecting plea agreements, not merely abstract policy objections.

CASE DETAILS

COURT	6th Cir.
WRITING FOR THE COURT	Alice M. Batchelder; Jeffrey S. Sutton; Joan L. Larsen
JURISDICTION	Federal
DECIDED	April 26, 2022
DOCKET	No. 21-1318
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of mandamus directed to the United States District Court for the Eastern District of Michigan.
STANDARD OF REVIEW	To issue a writ of mandamus, the petitioner must show (1) no other adequate means of obtaining relief, (2) a clear and indisputable right to issuance, and (3) that issuance is appropriate under the circumstances.
PRECEDENTIAL VALUE	Published
PARTIES	United States of America v. Ashley Townsend; Hon. David M. Lawson

TOPICS

- criminal procedure
- sentencing
- appellate procedure
- standard of review
- appellate jurisdiction

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court violated Rule 11 of the Federal Rules of Criminal Procedure by participating in plea negotiations when it expressed its disapproval of appeal waivers during a pretrial hearing.
2. Whether the district court abused its discretion by rejecting the plea agreement based on a categorical policy against appeal waivers rather than case-specific reasons.
3. Whether mandamus is the appropriate remedy.

KEY QUOTATIONS

“Rule 11 absolutely prohibits judicial involvement of any form in plea negotiations, an interpretation that is widely held among circuit courts.” (Page 9)

“the district court’s policy concerns in the abstract are not case-specific exercises of its discretion.” (Page 12)

“while plea negotiations are ongoing a district court is prohibited from commenting on a hypothetical plea agreement that it would or would not accept.” (Page 9)

FACTUAL BACKGROUND

In February 2020, the United States indicted Defendant Ashley Townsend on four counts. In August 2020, the district court held a pretrial hearing and expressed its disapproval of plea agreements containing sentencing-appeal and collateral-review waivers, stating it had a practice of rejecting such agreements. The parties thereafter negotiated a plea agreement that included those waivers. The court rejected the agreement, and the United States filed this mandamus petition.

PROCEDURAL HISTORY

The district court rejected a plea agreement between the United States and defendant Ashley Townsend based on the court's policy against appeal waivers. The United States filed a petition for writ of mandamus in the Sixth Circuit.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

We REMAND this case to the district court for further proceedings consistent with this opinion.

CITED IN

- In re United States, In re United States, 32 F.4th 584, 592-94 (6th Cir. 2022)

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