

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Ruiz v. United States

494 F.2d 1 (5th Cir. 1974) · Decided May 16, 1974

SUMMARY

The Fifth Circuit affirmed the denial of Ruiz’s motion under 28 U.S.C. § 2255 to vacate his sentence and withdraw his guilty plea to distributing narcotics. The court held that Rule 11 did not require prior disclosure of whether an enhanced-sentence information had been filed, so long as Ruiz was informed of the possible sentencing ranges, and concluded that the record established a sufficient factual basis for the plea.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
JURISDICTION	Federal
DECIDED	May 16, 1974
DISPOSITION	affirmed
PROCEDURAL POSTURE	Ruiz appealed the denial of his motion under 28 U.S.C. § 2255 to vacate his sentence and set aside his guilty plea.
STANDARD OF REVIEW	The court reviewed the § 2255 claims and the plea and sentencing record for legal error and determined from the transcript that the record conclusively refuted Ruiz's contentions.
PRECEDENTIAL VALUE	published precedential decision of the United States Court of Appeals for the Fifth Circuit
PARTIES	Ruiz v. United States

TOPICS

- post-conviction relief
- criminal procedure
- sentencing
- statutory interpretation
- plea bargaining

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- sentencing
- plea practice

QUESTIONS PRESENTED

1. Whether Rule 11 and the applicable narcotics sentencing statute required Ruiz to be informed before entering his guilty plea that the Government had sufficient proof of a prior conviction triggering

enhanced punishment.

2. Whether the district court complied with Federal Rule of Criminal Procedure 11 by establishing a factual basis for Ruiz's guilty plea.

HOLDINGS

1. Rule 11 requires a defendant to understand the range of possible statutory sentences, including applicable enhanced-punishment possibilities, but does not require advance knowledge of the exact sentence the court will impose or whether the Government has sufficient proof of a prior conviction to trigger enhancement. Because Ruiz was informed of the statutory sentencing possibilities, his guilty plea was not invalid on this ground.
2. The district court satisfied Rule 11's factual-basis requirement by obtaining a synopsis of the evidence from the prosecutor and Ruiz's sworn admission that the alleged facts were true before entering judgment.

KEY QUOTATIONS

"It is only necessary, however, that the defendant know the range of possible sentences, not the exact penalty that the court will assess in the event of a guilty plea." (494 F.2d at 3)

"Rule 11 mandates only that the defendant be told of the possibility of sentencing under one of several provisions and the minimum and maximum penalties required by each." (494 F.2d at 3)

"This procedure satisfies both the letter and the spirit of Rule 11." (494 F.2d at 3)

FACTUAL BACKGROUND

In May 1968, Ruiz pleaded guilty to distributing narcotics under 26 U.S.C. § 4704(a). Before sentencing, the Government provided information regarding a prior federal narcotics conviction, and Ruiz's counsel admitted that the prior conviction allegation was true; Ruiz personally stated that he had no further comments. Before entering his plea, Ruiz was advised of the statutory sentencing ranges, including the possibility of enhanced punishment for a prior federal narcotics violation, and he acknowledged understanding the possible punishments. At arraignment, the prosecutor summarized the evidence and Ruiz admitted under oath that the alleged facts were true.

PROCEDURAL HISTORY

Ruiz pleaded guilty to one count of distributing narcotics in violation of 26 U.S.C. § 4704(a) and was sentenced as a second offender under the narcotics laws. He later moved under 28 U.S.C. § 2255 to vacate the sentence and withdraw the plea, arguing that he had not been informed before pleading of the potential enhanced sentence and that the district court had failed to establish a factual basis for the plea under Federal Rule of Criminal Procedure 11. The district court denied relief, and the Fifth Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- United States v. Blair, 470 F.2d 331 (5th Cir. 1972)
- United States ex rel. Hill v. United States, 452 F.2d 664 (5th Cir. 1971)
- United States v. Woodall, 438 F.2d 1317 (5th Cir. 1970)
- Tucker v. United States, 409 F.2d 1291 (5th Cir. 1969)
- Mordecai v. United States, 421 F.2d 1133 (D.C. Cir. 1969), cert. denied, 397 U.S. 977 (1970)
- Robinson v. United States, 474 F.2d 1085 (10th Cir. 1973)
- Hall v. United States, 489 F.2d 427 (5th Cir. 1974)