

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

United States v. Alex Lenard McCoy

United States v. Alex Lenard McCoy, 895 F.3d 358 (4th Cir. 2018) · No. No. 17-4117 · Decided July 13, 2018

SUMMARY

The Fourth Circuit held that a valid appellate waiver does not bar a challenge to the factual basis of a guilty plea, because such a claim goes to the voluntariness of the plea. However, the court found the factual basis sufficient where the defendant stipulated to being a member of a crack-cocaine conspiracy, as a stipulated recitation of facts alone satisfies Rule 11. The defendant's waiver was knowing and voluntary, so his remaining sentencing challenges were dismissed.

CASE DETAILS

COURT	United States Court of Appeals for the Fourth Circuit
WRITING FOR THE COURT	Diaz; Niemeyer; Wynn
JURISDICTION	Federal
DECIDED	July 13, 2018
DOCKET	No. 17-4117
DISPOSITION	dismissed in part and affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Frank D. Whitney, Chief District Judge. (3:15-cr-00273-FDW-DCK-3)
STANDARD OF REVIEW	We review the validity of an appellate waiver de novo. ... Because McCoy didn't seek to withdraw his guilty plea in the district court, we review his challenge for plain error.
PRECEDENTIAL VALUE	Published
PARTIES	Alex Lenard McCoy v. United States of America

TOPICS

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QUESTIONS PRESENTED

1. Whether a challenge to the factual basis of a guilty plea falls outside the scope of a valid appellate waiver.
2. Whether the district court erred in finding a sufficient factual basis to support McCoy's guilty plea.
3. Whether the district court erred in its application of the Sentencing Guidelines.

HOLDINGS

1. Even valid appeal waivers do not bar claims that a factual basis is insufficient to support a guilty plea.
2. A stipulated recitation of facts alone is sufficient to support a plea, and here the factual basis established the elements of the offense.
3. Because McCoy validly waived his right to appeal the sentence, the court does not consider these issues.

KEY QUOTATIONS

“Even valid appeal waivers do not bar claims that a factual basis is insufficient to support a guilty plea.”
(10)

“A stipulated recitation of facts alone is sufficient to support a plea.” (11)

“In the absence of clear and convincing evidence to the contrary, a defendant is bound by statements made under oath during his plea colloquy.” (11)

FACTUAL BACKGROUND

McCoy was indicted on four drug charges related to a crack-cocaine trafficking conspiracy in Gaston County, North Carolina. He agreed to plead guilty to one count in exchange for dismissal of other charges and an appellate waiver. The plea agreement included a stipulated factual basis stating McCoy was a member of a conspiracy to distribute crack cocaine involving at least 840 grams but less than 2,800 grams of cocaine base. During the Rule 11 hearing, the government corrected a typo by adding 'base' after 'cocaine' and misstated the quantity as 240 grams instead of 840 grams. McCoy affirmed understanding and agreed to the plea. He did not object to the magistrate's recommendation. At sentencing, the district court found the plea knowing and voluntary and sentenced McCoy to 292 months.

PROCEDURAL HISTORY

McCoy pleaded guilty to a federal drug trafficking conspiracy. He waived his right to appeal except for ineffective assistance and prosecutorial misconduct. He appealed challenging the factual basis for his plea and the sentencing guidelines application. The government moved to dismiss based on the waiver.

DISPOSITION

dismissed in part and affirmed

CASES CITED

- United States v. Copeland, 707 F.3d 522 (4th Cir. 2013)
- United States v. Thornsbury, 670 F.3d 532 (4th Cir. 2012)
- United States v. Martinez, 277 F.3d 517 (4th Cir. 2002)
- United States v. Attar, 38 F.3d 727 (4th Cir. 1994)
- United States v. Marin, 961 F.2d 493 (4th Cir. 1992)
- United States v. Brown, 232 F.3d 399 (4th Cir. 2000)
- United States v. Contador-Cruz, 714 F. App'x 215 (4th Cir. 2017)
- United States v. Baker, 571 F. App'x 258 (4th Cir. 2014)
- United States v. Carter, 267 F. App'x 203 (4th Cir. 2008)
- United States v. Molina, 286 F. App'x 94 (4th Cir. 2008)
- United States v. Bell, 359 F. App'x 442 (4th Cir. 2010)
- United States v. Mastrapa, 509 F.3d 652 (4th Cir. 2007)
- United States v. Puentes-Hurtado, 794 F.3d 1278 (11th Cir. 2015)
- United States v. Hildenbrand, 527 F.3d 466 (5th Cir. 2008)
- United States v. Adams, 448 F.3d 492 (2d Cir. 2006)
- Blackledge v. Allison, 431 U.S. 63 (1977)
- United States v. Johnson, 54 F.3d 1150 (4th Cir. 1995)
- United States v. Leavis, 853 F.2d 215 (4th Cir. 1988)
- United States v. Ketchum, 550 F.3d 363 (4th Cir. 2008)
- United States v. DeFusco, 949 F.2d 114 (4th Cir. 1991)
- United States v. Blankenship, 374 F. App'x 384 (4th Cir. 2010)
- United States v. Tate, 845 F.3d 571 (4th Cir. 2017)