

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

Rudolfo Ruiz v. United States of America

494 F.2d 1 (5th Cir. 1974) · No. No. 73-3749 · Decided May 16, 1974

SUMMARY

The Fifth Circuit affirmed the denial of Rudolfo Ruiz's motion under 28 U.S.C. § 2255 to vacate his sentence and withdraw his guilty plea to distributing narcotics in violation of 26 U.S.C. § 4704(a). The court held that Ruiz was adequately informed of the possible sentencing ranges and that the district court sufficiently established a factual basis for the plea under Rule 11.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Wisdom; Goldberg; Gee
JURISDICTION	Federal
DECIDED	May 16, 1974
DOCKET	No. 73-3749
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 arraignment and sentencing transcript to determine whether the guilty plea and sentence complied with applicable statutory and Rule 11 requirements.
PRECEDENTIAL VALUE	Published Fifth Circuit opinion; binding circuit precedent.
PARTIES	Rudolfo Ruiz v. United States of America

TOPICS

- post-conviction relief
- plea bargaining
- criminal procedure
- sentencing
- appellate procedure

PRACTICE AREAS

- criminal procedure
- post-conviction relief
- guilty pleas
- sentencing

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 to support an enhanced sentence.
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 that a defendant understand the range of statutory punishment that may result from a guilty plea, but it does not require advance disclosure of the exact sentence the court will impose, whether the Government has sufficient proof of a prior conviction, or which of multiple applicable sentencing statutes the court will use.
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

“Rule 11 demands 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 1)

“This procedure satisfies both the letter and the spirit of Rule 11.” (494 F.2d at 1)

FACTUAL BACKGROUND

In May 1968, Ruiz pleaded guilty to distributing narcotics in violation of 26 U.S.C. § 4704(a). Before entering the plea, he was informed of the possible sentences, including the increased punishment applicable in the event of a prior federal narcotics violation, and he admitted a prior federal narcotics violation from 1960. Before sentencing, the Government presented information concerning the prior conviction, and both Ruiz's counsel and Ruiz acknowledged its truth. The prosecutor also provided a synopsis of 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 applicable federal narcotics sentencing law. He later moved to vacate the sentence and set aside the plea, arguing that he had not been informed before pleading that he could receive an 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

- Isbell Enterprises, Inc. v. Citizens Casualty Co. of New York, 431 F.2d 409 (5th Cir. 1970)
- 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)