

Rule 11 Checklist (changes as of 12/1/2013)

The district court must address the defendant personally and in open court and inform the defendant of or determine the defendant understands:

- | | |
|--|---------------|
| _____ (1) The nature of the charge(s) | (b)(1)(G) |
| _____ (2) The mandatory minimum sentence, if any | (b)(1)(I) |
| _____ (3) The maximum sentence possible (imprisonment, fine, supervised release) | (b)(1)(H) |
| _____ (4) Court must consider sentence under guidelines, but may depart and 3553(a) | (b)(1)(M) |
| _____ (5) Court may order forfeiture and/or restitution, if applicable | (b)(1)(J)&(K) |
| _____ (6) Court must impose special assessment | (b)(1)(L) |
| _____ (7) Defendant has the right to plead not guilty | (b)(1)(B) |
| _____ (8) Defendant has right to be tried by a jury | (b)(1)(C) |
| _____ (9) Defendant has right to assistance of counsel (court-appointed if necessary) | (b)(1)(D) |
| _____ (10) Defendant has right to confront witnesses | (b)(1)(E) |
| _____ (11) Defendant has right to cross-examine witnesses | (b)(1)(E) |
| _____ (12) Defendant has right against compelled self-incrimination | (b)(1)(E) |
| _____ (13) Defendant has right to testify and present evidence | (b)(1)(E) |
| _____ (14) Defendant has right to compel attendance of witnesses | (b)(1)(E) |
| _____ (15) Defendant is waiving trial rights by pleading guilty | (b)(1)(F) |
| _____ (16) If the defendant is questioned under oath, the answers may be used against the defendant in a prosecution for perjury or false statement. | (b)(1)(A) |
| _____ (17) Whether, by the terms of the plea agreement, defendant is waiving the right to appeal or collaterally attack conviction. | (b)(1)(N) |
| _____ (18) If defendant is not a citizen, may be removed, denied citizenship, or denied admission if convicted | (b)(1)(O) |
| _____ (19) Whether the plea is voluntary, or the result of threats, force, or promises other than plea agreement | (b)(2) |
| _____ (20) Disclose the existence of a plea agreement on the record | (c)(2) |
| _____ (21) Whether the court accepts or rejects plea agreement | (c)(4) & (5) |
| _____ (22) Whether a factual basis exists for the plea | (b)(3) |

Not in Rule 11, but considered by Court of Appeals in some cases:

- _____ determine whether the defendant is competent to enter a guilty plea
- _____ If the court accepts defendant's plea, there will not be a trial (old Rule 11)
- _____ The effect of any term of supervised release (penalty for violation) (old Rule 11)
- _____ Whether the plea is "wired" or a package deal with any other defendants (*US v. Bennett*)

Notes: