

03-167 UNITED STATES v. BENITEZ

Ruling below: CA 9, 310 F.3d 1221

QUESTIONS PRESENTED

1. Whether, in order to show that a violation of Federal Rule of Criminal Procedure 11 constitutes reversible plain error, a defendant must demonstrate that he would not have pleaded guilty if the violation had not occurred.

~~2. Whether, in deciding whether a violation of Federal Rule of Criminal Procedure 11 constitutes reversible plain error, a court of appeals may consider the terms of a written plea agreement.~~

CERT. GRANTED: 12/8/03

Limited to question 1 presented by the petition.