

No.

IN THE SUPREME COURT OF THE UNITED STATES

ALEXANDER DE JESUS SIERRA LA TORRES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

On Petition for a Writ of Certiorari
to the Eleventh Circuit Court of Appeals

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether conspiracy offenses are “simple” offenses that never require a district court to explain their elements to a defendant prior to accepting his plea?

PARTIES TO THE PROCEEDING

Parties to the proceeding include Alexander De Jesus Sierra La Torres (Appellant/Petitioner) and the United States of America (Appellee/Respondent).

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PETITION FOR WRIT OF CERTIORARI

OPINION BELOW

The decision of the Eleventh Circuit Court of Appeal, *infra*, is attached as Appendix A.

JURISDICTION

The Judgment of the Eleventh Circuit Court of Appeal was entered on June 8, 2026. A Petition for Panel Rehearing was timely filed and denied on August 6, 2026. This Court's jurisdiction is invoked under Title 28 U.S.C. § 1254(1).

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND REGULATIONS INVOLVED IN THE CASE

Fed. R. Crim. P. 11(b)(1) provides that:

(b) Considering and Accepting a Guilty or Nolo Contendere Plea.

(1) Advising and Questioning the Defendant.

Before the court accepts a plea of guilty or nolo contendere, the defendant may be placed under oath, and the court must address the defendant personally in open court. During this address, the court must inform the defendant of, and determine that the defendant understands, the following:

(A) the government's right, in a prosecution for perjury or false statement, to use against the defendant any statement that the defendant gives under oath;

(B) the right to plead not guilty, or having already so pleaded, to persist in that plea;

(C) the right to a jury trial;

(D) the right to be represented by counsel--and if necessary have the court appoint counsel--at trial and at every other stage of the proceeding;

(E) the right at trial to confront and cross-examine adverse witnesses, to be protected from compelled self-incrimination, to testify and present evidence, and to compel the attendance of witnesses;

(F) the defendant's waiver of these trial rights if the court accepts a plea of guilty or nolo contendere;

(G) the nature of each charge to which the defendant is pleading;

(H) any maximum possible penalty, including imprisonment, fine, and term of supervised release;

(I) any mandatory minimum penalty;

(J) any applicable forfeiture;

(K) the court's authority to order restitution;

(L) the court's obligation to impose a special assessment;

(M) in determining a sentence, the court's obligation to calculate the applicable sentencing-guideline range and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C. § 3553(a);

(N) the terms of any plea-agreement provision waiving the right to appeal or to collaterally attack the sentence; and

(O) that, if convicted, a defendant who is not a United States citizen may be removed from the United States, denied citizenship, and denied admission to the United States in the future.

Fed. R. Crim. P. 11(b)(1).

STATEMENT OF FACTS

On May 26, 2022, a federal grand jury in the Southern District of Florida, Miami Division, returned a two-count Indictment naming Mr. Sierra La Torres and others as the defendants. Both counts charged Mr. Sierra La Torres with conspiracy to distribute five kilograms or more of cocaine in violation of 21 U.S.C. § 963. On October 29, 2024, Mr. Sierra La Torres pled guilty to both Counts. During the change of plea hearing, Mr. Sierra La Torres, through an interpreter, explained that he was from Colombia and possessed only a 5th grade education, and the following exchange occurred:

THE COURT: Mr. Sierra La Torres, prior to today did you receive a copy of the indictment containing the two charges against you?

THE DEFENDANT: Yes, of course.

THE COURT: Have you fully discussed the indictment and your case in general with Mr. Chambrot as your attorney?

THE DEFENDANT: Yes.

THE COURT: And are you fully satisfied with the counsel, the representation and the advice that you have received from your attorney?

THE DEFENDANT: Yes, of course.

THE COURT: My understanding this morning is that you plead guilty to both Counts 1 and 2 of the indictment; is that correct?

THE DEFENDANT: Yes.

THE COURT: Ms. Vigilance, I would ask that you please set forth the elements of those offenses.

THE PROSECUTOR: Yes, Your Honor. The elements are that the Defendant manufactured or distributed 5 kilograms or more of a controlled substance, that being cocaine, that the Defendant had reasonable cause to believe that such controlled substance would be unlawfully imported into the United States.

THE COURT: Thank you. Mr. Chambrot, do you agree that that's an accurate statement of the elements?

DEFENSE COUNSEL: Yes.

THE COURT: And would you please state the steps you have taken to familiarize your client with the charges against him, the Government's evidence, his defenses, his right to proceed to trial and the consequences of a guilty plea?

DEFENSE COUNSEL: First of all, Your Honor, I am fluent in Spanish, so most of the converse -- all the conversations we had were in Spanish and we understood each other perfectly fine. We went over the recordings, we went over the entire discovery that the Government provided. From the very inception, Mr. Sierra La Torre had the desire to plead guilty. So when discussed, possible defenses and things of that nature, he would say I am not going to trial. But we did go over everything and we met on numerous occasions at FDC and other places.

THE COURT: And it was his choice not to enter into a written plea agreement; is that right?

DEFENSE COUNSEL: That is accurate.

THE COURT: All right. Thank you. Mr. Sierra La Torre, do you agree with the statements that your attorney has just made in response to my questions to him?

THE DEFENDANT: Yes, of course.

(District Court Docket Entry 171, at 4-6).

A presentence investigation report was thereafter prepared, which revealed Mr. Sierra La Torres had no criminal record, and clarified that Mr. Sierra La Torres had a 9th grade education. Mr. Sierra La Torres was ultimately sentenced to concurrent terms of 144 months imprisonment.

Mr. Sierra La Torres appealed to the 11th Circuit Court of Appeals, and argued that his plea was not knowingly, intelligently, and voluntarily entered, as the record reflected he was misadvised as to the elements of the conspiracy offenses he was charged with, as he was advised of the elements for the completed offenses of manufacturing or distributing cocaine, not the elements for the conspiracy to manufacture or distribute offenses to which he was pleading, and he was therefore entitled to have his plea, judgment, and sentence vacated. The 11th Circuit, affirmed, concluding that conspiracy offenses are “simple” offenses for which no explanation of the elements was necessary.

This Petition follows.

REASONS FOR GRANTING THE PETITION

I. THIS COURT SHOULD GRANT REVIEW TO RESOLVE A CIRCUIT SPLIT REGARDING WHETHER CONSPIRACY OFFENSES ARE “SIMPLE” OFFENSES FOR WHICH A DISTRICT COURT IS NEVER REQUIRED TO EXPLAIN THE ELEMENTS TO A DEFENDANT BEFORE ACCEPTING HIS GUILTY PLEA.

At issue in this Petition is whether conspiracy offenses are “simple” offenses such that a district court is never required to explain the elements of such offenses to a defendant prior to accepting his guilty plea. This Court should establish they are not.

“Before accepting a plea of guilty ..., the court must address the defendant *personally* in open court and inform the defendant of, *and* determine that the defendant understands, ... the nature of the charge to which the plea is offered[.]” *United States v. Blackwell*, 199 F.3d 623, 625 (2d Cir. 1999) (citing, Fed. R. Crim. P. 11(c) (emphasis supplied by *Blackwell*). “The nature of the inquiry required by Rule 11 must necessarily vary from case to case, and, therefore, we do not establish any general guidelines other than those expressed in the Rule itself.” *McCarthy v. United States*, 394 U.S. 459, 467 n.20, 89 S. Ct. 1166, 1171 n. 20, 22 L. Ed. 2d 418 (1969). “[W]here the charge encompasses lesser included offenses, personally addressing the defendant as to his understanding of the essential elements of the charge to which he pleads guilty would seem a necessary prerequisite to a determination that he understands the meaning of the charge.” *Id.*

Justice Jordan of the 11th Circuit has observed:

In order to properly decide whether to enter a guilty plea, with or without a plea agreement, a defendant needs to

know, or at least understand, many things. Among these are the elements of the offense to which he is pleading guilty. Only by knowing what the government has to prove at trial can a defendant make sense of the relationship between law and fact, i.e., understand the nature of the charge, see Fed. R. Civ. P. 11(b)(1)(G), and knowingly decide whether a guilty plea is the best option. As we have said, a “defendant does not receive ‘real notice’ of the nature of the charge against him unless he is informed of the elements of the charged offense.” *United States v. Brown*, 117 F.3d 471, 476 (11th Cir. 1997). Not surprisingly, the benchbook prepared by the Federal Judicial Center provides that during a Rule 11 plea colloquy the district court should, after summarizing the charges, “further explain the essential elements of the offense, i.e., what the government would be required to prove a trial.” Federal Judicial Center, Benchbook for U.S. District Judges § O.1 (4th ed. March 2013).

United States v. Presendieu, 880 F.3d 1228, 1251 (11th Cir. 2018) (Jordan, J., Concurring).

Nonetheless, here, according to the 11th Circuit:

Under our precedent, the conspiracy charges were “simple” offenses, *United States v. Bell*, 776 F.2d 965, 967, 969 (11th Cir. 1985) (holding that conspiracies to import and to possess and distribute marijuana were “simple” charges), which did not “include any concepts so esoteric or unfamiliar to the layperson as to require a detailed listing or explanation of each element of the offense,” *Presendieu*, 880 F.3d at 1240.

United States v. Sierra La Torres, No. 25-10625, 2026 WL 1649254, at *3 (11th Cir. June 8, 2026). However, the 11th Circuit’s conclusion that conspiracy offenses are “simple” offenses that do not require an explanation of each element, is at odds with the 7th Circuit, which has observed that “[w]hile a drug conspiracy charge may seem simple or commonplace to well-educated prosecutors, defense attorneys, and judges

who deal with them on a daily basis, ‘the charge of ‘conspiracy’ is not a self-explanatory legal term or so simple in meaning that it can be expected or assumed that a lay person understands it.” *United States v. Fernandez*, 205 5 F.3d 1020, 1026 (7th Cir. 2000), modified (Apr. 21, 2000) (quoting, *United States v. Wetterlin*, 583 F.2d 346, 350 (7th Cir.1978)). “Conspiracy is not a concept immediately understandable to a layperson.” *United States v. Pineda-Buenaventura*, 622 F.3d 761, 771 (7th Cir. 2010), as amended on denial of reh'g (Oct. 6, 2010) (citing, *United States v. Blalock*, 321 F.3d 686, 689 (7th Cir.2003) (“[C]onspiracy is generally considered a rather complicated offense.”); *Wetterlin*, 583 F.2d at 350 (charge of conspiracy “is not a self-explanatory legal term”)).

Additionally, the notion that conspiracy offenses are “simple” offenses for which no explanation of the elements is necessary is at odds with *McCarthy*, where this Court noted that the nature of the Rule 11 inquiry will vary from case to case, *i.e.*, there are no offenses for which the elements need never be explained to a defendant, and “where the charge encompasses lesser included offenses, personally addressing the defendant as to his understanding of the essential elements of the charge to which he pleads guilty would seem a necessary prerequisite to a determination that he understands the meaning of the charge.” *McCarthy*, 394 U.S. at 467 n.20, 89 S. Ct. at 1171 n. 20. Accordingly, this Court should grant review to establish that there is no bright line rule establishing that a district court need never explain the elements of a conspiracy offense to a defendant prior to accepting his plea,

and to the contrary, it will generally be necessary to do so to establish that he understands the meaning of the charge he is pleading to. *See, Id.*

Furthermore, Mr. Sierra La Torres's case is the perfect case for doing so, as Mr. Sierra La Torres's ninth-grade education level, inability to speak English, and lack of a criminal history, indicate, like most lay people, Mr. Sierra La Torres would not understand the term "conspiracy" without further explanation, and demonstrates the folly of a per se rule that elements of a conspiracy offense need never be explained to a criminal defendant.

Consequently, this Court should grant Mr. Sierra La Torres's Petition, establish that that there is no bright line rule establishing that a district court need never explain the elements of a conspiracy offense to a defendant prior to accepting his plea, and to the contrary, it will generally be necessary to do so to establish that he understands the meaning of the charge he is pleading to, reverse the Judgment of the Eleventh Circuit, and remand Mr. Sierra La Torres's case for a new plea hearing where Mr. Sierra La Torres is properly advised of the elements of his offenses prior to deciding which plea to enter. *See, Id.*

CONCLUSION

For the reasons stated above, this Court should grant the instant Petition for Writ of Certiorari.

Respectfully Submitted,



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APPENDIX A

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10625
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEXANDER DE JESUS SIERRA LA TORRES,

a.k.a. Alex,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cr-20223-CMA-3

Before ROSENBAUM, NEWSOM, and BRASHER, Circuit Judges.

PER CURIAM:

Alexander Sierra La Torres pled guilty to and was convicted of two counts of conspiracy to import cocaine. Sierra La Torres

now appeals, arguing that the district court plainly erred during his plea colloquy by failing to inform him of the nature of the charges, as required by Fed. R. Crim. P. 11. Because the record does not show that the court failed to comply with Rule 11, or that Sierra La Torres's substantial rights were affected, we affirm his convictions.

I.

Sierra La Torres was charged in a multi-defendant indictment with two counts of conspiracy to distribute and import five or more kilograms of cocaine, in violation of 21 U.S.C. §§ 959(a), 960(b)(1)(B), and 963. He pled guilty to both counts in October 2024 without a written agreement.

At the change-of-plea hearing, the district court conducted the plea colloquy with Sierra La Torres through a Spanish-language interpreter. The court confirmed that Sierra La Torres was competent to proceed and that he had received a copy of his indictment and reviewed it with counsel. Sierra La Torres said he was “of course” satisfied with his counsel’s representation and advice, and he confirmed his intent to plead guilty.

The district court asked the government to state the elements of the offenses. The government replied, “The elements are that the Defendant manufactured or distributed 5 kilograms or more of a controlled substance, that being cocaine, that the Defendant had reasonable cause to believe that such controlled substance would be unlawfully imported into the United States.” Defense counsel agreed that the government’s statement of the elements was accurate.

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Next, the district court asked defense counsel to state the steps he had taken to familiarize Sierra La Torres about the charges and his options. Counsel first noted that he was “fluent in Spanish, so . . . all the conversations [they] had were in Spanish and [they] understood each other perfectly fine.” Counsel then explained that he and Sierra La Torres had gone “over the entire discovery that the [g]overnment provided” and “met on numerous occasions,” and that “[f]rom the very inception,” Sierra La Torres “had the desire to plead guilty.” Counsel also indicated that it was his client’s choice not to enter into a written plea agreement. When prompted by the court, Sierra La Torres stated that he agreed with defense counsel’s statements. Sierra La Torres also advised the court that he was pleading guilty of his own free will because he was, in fact, guilty as charged.

After advising Sierra La Torres of the rights he was waiving by pleading guilty, the district court asked the government to state the facts it would have proved had the case gone to trial. The government stated that Sierra La Torres and his coconspirators “knowingly and willfully conspire[d] to distribute controlled substances,” namely five kilograms or more of cocaine, “with reasonable cause to believe that such substances would be unlawfully imported into the United States.” The government further alleged that Sierra La Torres was “a leader in a drug trafficking organization in Colombia where he helped to amass, transport and sell large amounts of cocaine before it was transported in maritime shipments,” and that he was “actively involved” in the shipment of just over 730 kilograms of cocaine that was the subject of interdictions on January

21, 2021, and June 17, 2021. Sierra La Torres denied having a leadership role but otherwise agreed that the facts were accurate.

The district court determined that Sierra La Torres's guilty plea was knowing and voluntary and that he was "aware of the nature of the charges and the consequences of his plea based upon his conversation with his attorney and the colloquy before the Court." The district court therefore accepted the guilty plea and adjudged him guilty.

Before sentencing, Sierra La Torres signed an acceptance-of-responsibility statement, which read, in relevant part, that he "pled guilty to Counts One and Two which charge[d] me with conspiring with others to distribute more than five kilograms of cocaine, knowing it would be imported into the United States."

The district court sentenced Sierra La Torres to a total term of 144 months' imprisonment. He now appeals.

II.

We review for plain error when a defendant, like Sierra La Torres, fails to object in the district court to a claimed violation of Rule 11. *United States v. Rodriguez*, 751 F.3d 1244, 1251 (11th Cir. 2014). Plain error occurs where a defendant shows (1) an error, (2) that is plain, and (3) that affects his substantial rights. *United States v. Moriarty*, 429 F.3d 1012, 1019 (11th Cir. 2005). If all three conditions are met, we may "correct the forfeited error if it (4) seriously affected the fairness, integrity, or public reputation of judicial proceedings." *United States v. Steiger*, 99 F.4th 1316, 1324 (11th Cir. 2024) (en banc) (quotation marks and brackets omitted).

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“[A] defendant who seeks reversal of his conviction after a guilty plea, on the ground that the district court committed plain error under Rule 11, must show a reasonable probability that, but for the error, he would not have entered the plea.” *United States v. Dominguez Benitez*, 542 U.S. 74, 83 (2004).

Rule 11 sets out procedures that district courts must follow when accepting a guilty plea. *See* Fed. R. Crim. P. 11(b). “These procedures are designed to address the three ‘core objectives’ necessary for a knowing and voluntary guilty plea: (1) that the defendant enters his plea free from coercion, (2) that he understands the nature of the charges, and (3) that he understands the consequences of his plea.” *United States v. Presendieu*, 880 F.3d 1228, 1238 (11th Cir. 2018).

“[I]n Rule 11 proceedings, matters of substance, not form, are controlling.” *United States v. Monroe*, 353 F.3d 1346, 1351 (11th Cir. 2003). “There is no rigid formula or mechanical rule for determining whether the district court adequately informed the defendant of the nature of the charges.” *Presendieu*, 880 F.3d at 1238 (quotation marks omitted). Rule 11 does not necessarily require the court to “list the elements of an offense.” *Id.* Instead, “what constitutes an adequate plea colloquy varies from case to case depending on the complexity of the charges and the defendant’s intelligence and sophistication.” *Id.*

At bottom, the district court must ensure “that the defendant knows and understands the nature of the offenses to which he or she is pleading guilty.” *Id.* at 1239. That can occur in some cases

where the factual proffer “set[s] forth in such detail the facts of the crime that it effectively incorporates the substance of the elements of the offense. *Id.* Our task “is to review the record as a whole and determine . . . whether [the defendant] understood what he was admitting and that what he was admitting constituted the crime charged.” *Id.* at 1240.

Section 959 makes it unlawful to distribute certain controlled substances, including cocaine, “knowing[] or having reasonable cause to believe that such substance . . . will be unlawfully imported into the United States.” 21 U.S.C. §. 959(a). Section 963 prohibits attempts or conspiracies to violate § 959. *Id.* § 963. To convict a defendant of conspiracy, “the government must demonstrate that a conspiracy existed, that the defendant had knowledge of it, and that he or she voluntarily became a part of it.” *United States v. Bascaro*, 742 F.2d 1335, 1359 (11th Cir. 1984).

Here, Sierra La Torres has not shown plain error. Sierra La Torres correctly notes that neither the district court nor the government listed or explained the elements of conspiracy. But we cannot say that the failure to directly address these elements affected Sierra La Torres’s substantial rights.¹

¹ Sierra La Torres claims that the district court “erred by failing to *personally* inform [him] of the nature of the offenses against him” and “improperly left it to the prosecutor to attempt to do so.” Our review for plain error, however, is based on the entire record, including a defendant’s agreement to a factual proffer. See *United States v. Presendieu*, 880 F.3d 1228, 1239–40 (11th Cir. 2018); *United States v. Wiggins*, 131 F.3d 1440, 1442–44 (11th Cir. 1997). And this case is not like *United States v. Telemaque*, 244 F.3d 1247, 1249 (11th Cir. 2001), where

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Under our precedent, the conspiracy charges were “simple” offenses, *United States v. Bell*, 776 F.2d 965, 967, 969 (11th Cir. 1985) (holding that conspiracies to import and to possess and distribute marijuana were “simple” charges), which did not “include any concepts so esoteric or unfamiliar to the layperson as to require a detailed listing or explanation of each element of the offense,” *Presendieu*, 880 F.3d at 1240.

The record also shows that Sierra La Torres agreed to a factual proffer that “effectively incorporate[d] the substance of the elements of the offense.” *Id.* at 1239. During the plea colloquy, Sierra La Torres told the district court that he had reviewed the indictment. And he agreed with statements in the government’s factual proffer that, “along with [his] coconspirators,” he “knowingly and willfully conspire[d] to distribute controlled substances in Schedules I and II, with reasonable cause to believe that such substances would be unlawfully imported into the United States,” and that he was involved in a Colombian drug-trafficking organization that transported large amounts of cocaine by boat.

Statements by Sierra La Torres and his counsel further support a conclusion that Sierra La Torres “understood what he was admitting and that what he was admitting constituted the crime charged.” *Id.* at 1240. Sierra La Torres said he agreed with defense

we set aside a guilty plea on plain-error review because the district court merely asked the defendant if he had read the indictment and understood what he had been charged with.

counsel's statements that he had met with defense counsel, discussed the evidence, and "had the desire to plead guilty" early on. He also said he was pleading guilty of his own free will because he was, in fact, guilty as charged. Even without plain-error review, Sierra La Torres has not carried the burden of showing that the district court clearly erred in finding that he understood the nature of the charges. *See id.* at 1241.

Finally, although Sierra La Torres cites his lack of English proficiency on appeal, the record shows that defense counsel was fluent in Spanish and that the plea colloquy was conducted through a Spanish-language interpreter. We also see no indication that Sierra La Torres's ninth-grade education impeded his understanding of the charges, given their relatively simple nature.

For these reasons, the record does not reflect a "total or almost total failure to address a Rule 11 concern." *Monroe*, 353 F.3d at 1354–55. Nor has Sierra La Torres made any showing that, "but for the error, he would not have entered the plea." *Dominguez Benitez*, 542 U.S. at 83. Because he has not shown plain error, we affirm his convictions.

AFFIRMED.

APPENDIX B

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-10625

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALEXANDER DE JESUS SIERRA LA TORRES,

a.k.a. Alex,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida
D.C. Docket No. 1:22-cr-20223-CMA-3

Before ROSENBAUM, NEWSOM, and BRASHER, Circuit Judges.

PER CURIAM:

The Petition for Panel Rehearing filed by Appellant Alexander De Jesus Sierra La Torres is DENIED.