

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7650
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PABLA TERESA GUZMAN-BEDOY, a/k/a,
Teresa Guzman-Bedoy

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR C-92-115-1
- - - - -

June 23, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Pabla Teresa Guzman-Bedoy appeals her guilty plea conviction for importation of marijuana. She argues that her plea was not knowing and voluntary because she was overwhelmed by the proceedings at the Rule 11 hearing and at sentencing.

Fed. R. Crim. P. 11 is intended to ensure that a defendant's guilty plea is knowing and voluntary. United States v. Martirosian, 967 F.2d 1036, 1038-39 (5th Cir. 1992). The rule addresses three core concerns:

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

(1) whether the guilty plea was coerced; (2) whether the defendant understands the nature of the charges; and (3) whether the defendant understands the consequences of the plea.

United States v. Adams, 961 F.2d 505, 510 (5th Cir. 1992). If the district court completely fails to address one of these core concerns, Rule 11 requires automatic reversal. Id. An incomplete inquiry, however, is reviewed for harmless error. Id. at 510-11; Fed. R. Crim. P. 11(h).

At the Rule 11 hearing the district court conducted a lengthy discussion with Guzman-Bedoy to ensure that she had not been coerced into pleading guilty by pressures, threats, or promises from anyone. Moreover, the district court informed Guzman-Bedoy of the charges against her, her rights if she chose to proceed to trial, and the range of sentencing options available to the district court. Even if Guzman-Bedoy was "overwhelmed" by the process, there is no indication that her plea was anything but knowing and voluntary. The district court did not err in conducting the Rule 11 hearing and in accepting the guilty plea.

Guzman-Bedoy's second contention, that her plea was involuntary because she was once again "overwhelmed" at sentencing, is frivolous. For the second time, she admitted to the district court that she was guilty of entering the country with 75 pounds of marijuana in the car; but she asked for the district court's mercy because she was "forced" to do it. The district court found her statement "not credible" because Guzman-Bedoy did not mention the alleged coercion to the customs agents

during interrogation at the bridge or to the district court during her Rule 11 hearing. There is no merit to this claim.

AFFIRMED.