

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-10213  
Summary Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NATHANIEL WILLIAMS, also  
known as Pee-Wee,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:95-CR-252-X  
- - - - -

November 6, 1996

Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:\*

The Government filed a motion to dismiss Nathaniel Williams' appeal based on his execution of a plea agreement containing a waiver of his right to appeal his sentence. The motion is DENIED.

Williams argues that his guilty plea is invalid because the district court failed to comply with Fed. R. Crim. P. R. 11 by

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

failing to advise Williams of the nature of the charge against him or of the consequences of his plea.

We have reviewed the record, including the transcript of the rearraignment hearing, the plea agreement, and the factual resume supporting the guilty plea, and hold that Williams was aware of the nature of the charge against him and of the consequences of his plea. Further, even if the district court varied from Rule 11 by not expressly stating the elements of the offense of conviction, such variance cannot be reasonably viewed as a material factor affecting Williams' decision to plead guilty. See United States v. Johnson, 1 F.3d 296, 302 (5th Cir. 1993) (en banc). The district court also complied with Rule 11 by insuring that Williams was aware of the maximum term of imprisonment that he could receive for the offense of conviction. See United States v. Jones, 905 F.2d 867, 868 (5th Cir. 1990). Williams has not demonstrated that his guilty plea was involuntarily entered because he was not aware of the nature of the charge against him or of the consequences of his plea.

AFFIRMED.