

07-9712 PUCKETT V. UNITED STATES

DECISION BELOW: 505 F.3d 377

LOWER COURT CASE NUMBER: 06-10543

QUESTION PRESENTED:

I. Did the Fifth Circuit violate the doctrines set forth in *Santobello v. New York*, 404 U.S. 257 (1971) when it applied a “plain error” standard of review to Defendant’s appeal based on the government’s admitted breach of the plea agreement and Defendant did not object to said breach at the time of sentencing?

II. Even if “plain error” is the correct standard of review when a defendant does not object at sentencing to the Government’s breach of a plea agreement, did the Fifth Circuit err when it failed to find “plain error” was established when the breach of the plea agreement was admitted and the plea was obtained in exchange for clear promises that the Government failed to keep?

THE PETITION FOR A WRIT OF CERTIORARI IS GRANTED LIMITED TO THE FOLLOWING QUESTION: “WHETHER A FORFEITED CLAIM THAT THE GOVERNMENT BREACHED A PLEA AGREEMENT IS SUBJECT TO THE PLAIN-ERROR STANDARD OF RULE 52(b) OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.”

CERT. GRANTED 10/1/2008