

## ANDERS CHECKLIST

Provide citations to the record, including the presentence report (PSR), and to relevant authority, where appropriate, in the right hand column to demonstrate compliance by the district court and/or the parties.

<b>GUILTY PLEA - FED. R. CRIM. P. 11</b> (NOTE: May be premitted, per <i>United States v. Garcia</i> , 483 F.3d 289 (5th Cir. 2007), if the record reflects that the defendant does not wish to challenge the guilty plea)	
<b>I. Advising and Questioning the Defendant - FED. R. CRIM. P. 11(b)(1)</b>	
(A) risk of perjury	
(B) right to plead not guilty or persist in not-guilty plea	
(C) right to a jury trial	
(D) right to counsel at trial and every other stage	
(E) certain specific rights at trial	
(F) defendant's waiver of trial rights	
(G) nature of the charge	
(H) maximum possible penalty	
(I) mandatory minimum penalty	
(J) any applicable forfeiture	
(K) court's authority to order restitution	
(L) court's obligation to impose a special assessment	
(M) court's obligation to calculate guidelines range and consider that range, possible departures, and other 18 U.S.C. § 3553(a) factors	
(N) terms of waiver of right to appeal or collaterally attack the sentence	
<b>II. Voluntariness of Plea - Rule 11(b)(2)</b>	
<b>III. Plea's Factual Basis - Rule 11(b)(3)</b>	
<b>IV. Judicial Consideration of Plea Agreement - Rule 11(c)(3)</b> (advisory to defendant if plea agreement is of specified type)	
<b>V. Accepting Plea Agreement - Rule 11(c)(4)</b> (informing defendant that, to the extent agreement is of specified type, the agreed disposition will be in the judgment)	
<b>VI. Enforcing Plea Agreement</b> (Government's compliance with plea agreement, defense counsel's certification whether government intends to enforce appeal waiver, and validity of appeal waiver)	

<b>SENTENCING - FED. R. CRIM. P. 32</b>	
<b>(NOTE: May be pretermitted if the record reflects a valid, enforceable sentencing waiver)</b>	
<b>I. Rule 32(e)(2)</b> (disclosing the PSR)	
<b>II. Rule 32(i)(1)</b> (verifying that defendant and counsel read and discussed the PSR and any addendum to the PSR and allowing counsel to comment on PSR and sentencing matters)	
<b>III. Rule 32(i)(3)</b> (findings on disputed matters)	
<b>IV. Rule 32(i)(4)</b> (allowing counsel and defendant to speak)	
<b>V. Rule 32(j)(1)</b> (advising defendant of any right to appeal and right to appeal in forma pauperis)	
<b>VI. Rule 32(k)(1)</b> (judgment correctly sets forth plea, offense(s) of conviction, and sentence, including conditions of supervised release imposed at sentencing)	
<b>VII. Adequacy of reasons for sentence;</b> 18 U.S.C. § 3553(c)	
<b>VIII. Calculation of sentence</b>	
<b>Offense level calculation</b> (identify base offense level and any adjustments)	
<b>Criminal history calculation</b> (identify prior convictions and any additional points)	
<b>Advisory guidelines range</b>	
<b>Statutory minimum or maximum,</b> if any, term of imprisonment and supervised release	
<b>Fine range,</b> if fine was imposed; <i>see</i> U.S.S.G. § 5E1.2, and findings on fine and on defendant’s ability to pay; <i>see id.</i> ; 18 U.S.C. §§ 3571 & 3572	