

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 07-14479
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT March 20, 2008 THOMAS K. KAHN CLERK

D. C. Docket No. 07-20415-CR-JEM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FREDERICK BRADLEY NOWELL, SR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

(March 20, 2008)

Before BARKETT, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

Frederick Bradley Nowell, Sr. appeals his conviction for mail fraud, 18

U.S.C. § 1341. Nowell argues that the district court abused its discretion in denying his motion to withdraw his guilty plea. Nowell contends that he presented a fair and just reason for withdrawing the guilty plea in the form of newly discovered evidence. Nowell implies that his guilty plea was not knowing and voluntary because the quality of the evidence against him was misrepresented and the government withheld information critical to his decision to plead guilty. Nowell further alleges that he expressed a lack of confidence in counsel. Nowell argues that judicial resources would not be wasted if he went to trial because the trial would take only three or four days, and that the government would not be prejudiced by any delay because its case was primarily documentary.

We review for an abuse of discretion the district court's denial of a defendant's motion to withdraw his guilty plea, and there is an abuse of discretion only if the denial is arbitrary or unreasonable. United States v. Brehm, 442 F.3d 1291, 1298 (11th Cir.), cert. denied, 127 S.Ct. 457 (2006).

The district court did not abuse its discretion in denying Nowell's motion to withdraw his guilty plea. During his change-of-plea hearing, Nowell expressly admitted that he had engaged in the course of criminal conduct with which he was charged, the district court determined that Nowell's later assertions of innocence were not credible, and Nowell presents no argument why we should reverse these

determinations on appeal. In light of this, Nowell's allegations did not constitute a fair and just reason such that the district court was required to grant the motion to withdraw guilty plea. Accordingly, Nowell's conviction is

AFFIRMED.