

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-12701
Non-Argument Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TEQUILA L. BROWN,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:25-cr-00084-TRJ-1

Before NEWSOM, GRANT, and BRASHER, Circuit Judges.

PER CURIAM:

Tequila Brown appeals her conviction and sentence for conspiracy to commit wire fraud. She argues that (1) her guilty plea was not knowing and voluntary; (2) the district court erred in

not applying an acceptance-of-responsibility reduction to her sentence; and (3) the district court erred in denying her motion to withdraw her guilty plea. Because the plea colloquy shows that Brown knowingly and voluntarily entered into a plea agreement that waived her right to appeal her sentence, we reject her first two challenges. Because Brown had the close assistance of counsel when she pleaded guilty, we also reject her third.

I.

During the COVID-19 pandemic, two Paycheck Protection Program loan applications were filed—one for a business that Brown operated and another for a business registered in her 18-year-old daughter’s name. The government approved the applications and provided the businesses with a total of \$600,000. However, the applications misrepresented the number of employees and average monthly payroll of each business.

The government charged Brown with conspiracy to commit wire fraud. Brown pleaded guilty and waived her “right to appeal her conviction and sentence.” The district court accepted Brown’s plea after a Rule 11 colloquy, but Brown later moved to proceed pro se and withdraw her plea. After a separate hearing, the district court granted Brown’s request to represent herself, but denied her motion to withdraw her plea. At her subsequent sentencing hearing, the district court found that Brown did not meet the requirements for an acceptance-of-responsibility reduction because she repeatedly denied elements of the offense after she pleaded guilty.

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Opinion of the Court

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This is Brown's appeal.

II.

Brown moved to withdraw her guilty plea below, so we review the district court's original acceptance of her plea for harmless error. See *United States v. Monroe*, 353 F.3d 1346, 1349 n.2 (11th Cir. 2003).¹ We review the validity of an appeal waiver de novo. *United States v. Hardman*, 778 F.3d 896, 899 (11th Cir. 2014). A denial of a motion to withdraw a guilty plea is reviewed for abuse of discretion. *United States v. Brehm*, 442 F.3d 1291, 1298 (11th Cir. 2006).

III.

"Because a guilty plea involves the relinquishment of several constitutional rights and privileges, it must be entered voluntarily and knowingly." *United States v. Presendieu*, 880 F.3d 1228, 1238 (11th Cir. 2018). Federal Rule of Criminal Procedure 11 established three "core objectives" necessary for a knowing and voluntary plea: "(1) that the defendant enters his plea free from coercion, (2) that he understands the nature of the charges, and (3) that he understands the consequences of his plea." *Id.* "Waivers of appeal must stand or fall with the agreements of which they are a part." *United States v. Puentes-Hurtado*, 794 F.3d 1278, 1284 (11th Cir. 2015)

¹ The government argues that we should review for plain error because even though Brown moved to withdraw her guilty plea below, "she did not do so on the grounds raised in her appeal." That is incorrect. In the district court, Brown argued that her plea "was not entered knowingly, voluntarily, or intelligently," and she does the same in this court.

(quotation omitted). If the plea agreement is knowing and voluntary, “then the waiver of appeal must be honored.” *Id.* (quotation omitted).

Brown’s plea agreement was knowing and voluntary. The district court satisfied Rule 11’s three “core objectives” during the plea hearing because Brown affirmed that (1) no one coerced her into pleading guilty; (2) she understood the nature of her charges; and (3) she understood the consequences of the agreement. “[W]hen a defendant makes statements under oath at a plea colloquy, he bears a heavy burden to show his statements were false.” *United States v. Rogers*, 848 F.2d 166, 168 (11th Cir. 1988). Brown has not met that burden.

She argues that the district court erred during the Rule 11 colloquy by not addressing the pro se filings she made immediately before the hearing. That is wrong. Because the district court’s local rules do not permit a defendant to make pro se filings while represented by counsel, the court properly denied her filings. The court’s failure to inquire into the flurry of improperly filed, last-minute filings does not overcome the “strong presumption that the statements made during the [plea] colloquy are true.” *United States v. Medlock*, 12 F.3d 185, 187 (11th Cir. 1994). We conclude that Brown’s appeal waiver was knowing and voluntary, and thus bars

her challenge to her sentence. *See Puentes-Hurtado*, 794 F.3d at 1284.

Brown also claims that the district court erred in denying her motion to withdraw her guilty plea.² Here, too, we disagree. A defendant may withdraw a guilty plea before sentencing if she shows “a fair and just reason for requesting the withdrawal.” Fed. R. Crim. P. 11(d)(2)(B). In determining whether the defendant has made this showing, courts consider the four *Buckles* factors: “(1) whether close assistance of counsel was available; (2) whether the plea was knowing and voluntary; (3) whether judicial resources would be conserved; and (4) whether the government would be prejudiced if the defendant were allowed to withdraw his plea.” *United States v. Buckles*, 843 F.2d 469, 471–72 (11th Cir. 1988) (internal citation omitted). If the defendant fails to satisfy the first two factors, “we need not give considerable weight or attention to the conservation of judicial resources or prejudice to the

² Brown also waived the right to appeal her “conviction.” At least five circuits have held that appealing the denial of a motion to withdraw a guilty plea is a challenge to a defendant’s “conviction,” and thus that such a claim can be barred by an appeal waiver like the one here. *See United States v. Rivera*, 62 F.4th 778, 786 (3d Cir. 2023); *United States v. Toth*, 668 F.3d 374, 378–79 (6th Cir. 2012); *United States v. Alcala*, 678 F.3d 574, 578 (7th Cir. 2012); *United States v. Rahman*, 642 F.3d 1257, 1259 (9th Cir. 2011); *United States v. Elliott*, 264 F.3d 1171, 1174 (10th Cir. 2001); *see also United States v. Hernandez*, 242 F.3d 110, 113 (2d Cir. 2001) (endorsing this view in dicta). But because the government did not raise that argument, we do not consider whether Brown’s appeal waiver bars her challenge to the district court’s denial of her motion to withdraw her guilty plea.

government.” *United States v. Mullings*, 166 F.4th 939, 947–48 (11th Cir. 2026).

The district court did not abuse its discretion in finding that Brown failed to show a “fair and just reason” for withdrawing her plea. *First*, Brown and her attorney confirmed at the Rule 11 colloquy that Brown entered into the plea agreement with the close assistance of counsel. *Second*, Brown’s plea was knowing and voluntary. Brown’s challenge therefore fails under the first two *Buckles* factors, and “we need not give considerable weight or attention to the remaining *Buckles* factors.” *Id.* at 950.

* * *

We **AFFIRM** Brown’s conviction and sentence.