

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 18-3014**

**September Term, 2018**

FILED ON: DECEMBER 26, 2018

UNITED STATES OF AMERICA,  
APPELLEE

v.

BRADLEY COBBLER, ALSO KNOWN AS B-RAD,  
APPELLANT

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Appeal from the United States District Court  
for the District of Columbia  
(No. 1:16-cr-00052-5)

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Before: PILLARD, *Circuit Judge*, and GINSBURG and SENTELLE, *Senior Circuit Judges*.

**J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by the parties. *See* FED. R. APP. P. 34(a)(2); D.C. CIR. R. 34(j). The court has accorded the issues full consideration and has determined that they do not warrant a published opinion. *See* D.C. CIR. R. 36(d). It is

**ORDERED AND ADJUDGED** that the district court's decision be affirmed for the reasons set forth in the memorandum filed simultaneously herewith.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after the disposition of any timely petition for rehearing or petition for rehearing *en banc*. *See* FED R. APP. P. 41(b); D.C. CIR. R. 41.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Ken Meadows  
Deputy Clerk

**MEMORANDUM**

Appellant Bradley Cobbler pleaded guilty to a two-count indictment in the district court and subsequently attempted to withdraw his pleas. The district court allowed his motion as to the second count, but denied it as to the first and entered judgment thereon. We affirm.

Cobbler pleaded guilty to a two-count indictment: (1) conspiracy to distribute and possess with the intent to distribute five hundred grams or more of cocaine and less than fifty kilograms of marijuana, in violation of 21 U.S.C. §§ 841 and 846; and (2) conspiracy to interfere with interstate commerce by robbery, in violation of 18 U.S.C. § 1951. Prior to sentencing, Cobbler filed a motion to withdraw his guilty pleas. The district court granted the motion in part, allowing Cobber to withdraw his guilty plea as to count two, but denied the motion as to count one. Cobbler contends the district court erred in refusing to allow him to withdraw his guilty plea as to count one. We disagree.

Prior to sentencing, a defendant may withdraw a guilty plea if he “can show a fair and just reason for requesting the withdrawal.” Fed. R. Crim. P. 11(d)(2)(B). Withdrawals of pleas prior to sentencing are to be “liberally granted,” *United States v. Taylor*, 139 F.3d 924, 929 (D.C. Cir. 1998); however, we review a district court’s denial of withdrawal for an abuse of discretion. *United States v. Hanson*, 339 F.3d 983, 988 (D.C. Cir. 2003). Refusals are reviewed for three factors: “(1) whether the defendant has asserted a viable claim of innocence; (2) whether the delay between the guilty plea and the motion to withdraw has substantially prejudiced the government’s ability to prosecute the case; and (3) whether the guilty plea was somehow

tainted.” *United States v. Curry*, 494 F.3d 1124, 1128 (D.C. Cir. 2007) (quoting *Hanson*, 339 F.3d at 988). Cobbler has not advanced a viable claim of innocence. The government does not argue that a delay would have prejudiced its ability to prosecute Cobbler. Only the third factor is at issue.

Federal Rule of Criminal Procedure 11(b)(1) requires that, before accepting a guilty plea, the district court must inform the defendant of specific rights and ensure the defendant understands those rights. Cobbler claims his guilty plea was tainted because his plea hearing did not comply with Rule 11. Specifically, he claims the district court did not inform him: that the Government had the right to use any statements Cobbler gave under oath in a prosecution for perjury or false statement; that Cobbler waived his trial rights if the court accepted a guilty plea; that if convicted, a defendant who is not a United States citizen could face immigration consequences; and the nature of each charge to which Cobbler pleaded. But an examination of the plea hearing reveals no plausible deficiencies.

The plea colloquy addresses everything Cobbler claims was missing. The district court informed Cobbler that he had been placed under oath and that if he made any false statements, he “could be prosecuted for perjury.” Cobbler was informed that he had “a right to go to trial on these charges,” what the Government’s burden at trial would be, that he would be presumed innocent, and that by pleading guilty Cobbler was giving up all of his trial rights. The district court also confirmed that Cobbler is a U.S. citizen, and that there would be no immigration consequences as a result of his guilty plea. Cobbler’s claim that the plea hearing did not discuss the nature of the charge to which he was pleading related only to count two of the indictment, but

the district court allowed Cobbler to withdraw his guilty plea to that count. Therefore, that argument does not affect this appeal.

Appellant asserts a further argument that the district court erred in denying his motion as to one count while it granted it as to the other. It is well-established precedent that the district court has power to make such a claim-specific ruling. *See, e.g., Everett v. United States*, 336 F.2d 979 (D.C. Cir. 1964).

For the reasons stated above, the district court's judgment is affirmed.