

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-10976

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN CUEVAS-ANDRADE,

Defendant-Appellant.

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Appeal from the United States District Court for the  
Northern District of Texas

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December 29, 2000

**ON PETITION FOR REHEARING**

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:

The Petition for Rehearing is GRANTED as follows: The second paragraph of footnote three<sup>1</sup> will be deleted and will be replaced with the following:

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<sup>1</sup>The second paragraph of footnote three in the original opinion reads as follows:

Furthermore, we must observe that if either the United States Attorney or the Federal Public Defender believes the colloquy is inadequate under Rule 11, as officers of the court they have "both an obligation and an interest in insuring that a guilty plea proceeding complies with all constitutional and statutory requirements," United States v. Echegollen-Barrueta, 195 F.3d 786, 790 n.2 (5th Cir. 1999), and accordingly should bring any failure in compliance with Rule 11 to the attention of the court.

Furthermore, we must observe that neither the United States Attorney nor Cuevas-Andrade's attorney raised any contemporaneous objections to the district court's failure to comply with Rule 11. (It should be noted, however, that Cuevas-Andrade is represented by new counsel on appeal.) As officers of the court, attorneys have "both an obligation and an interest in insuring that a guilty plea proceeding complies with all constitutional and statutory requirements," United States v. Echegollen-Barrueta, 195 F.3d 786, 790 n.2 (5th Cir. 1999), and accordingly should immediately bring any failure in compliance with Rule 11 to the attention of the district court.

In all other respects, the Petition for Rehearing is DENIED.