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# West Virginia Law Review

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## CASE COMMENTS

### **Criminal Law — Knowledge of Consequences to Plea of Guilty**

*D* pleaded guilty to interstate transportation of a stolen vehicle, after being told the maximum penalty was five years imprisonment. *D* was sentenced to an indefinite term under the Federal Youth Correction Act, 18 U.S.C. § 5010, which provided a maximum of six years confinement. At the end of five years, *D* moved to have the sentence vacated, under 28 U.S.C. § 2255 (1949). *D* contended the court had violated Rule 11 of the Federal Rules of Criminal Procedure, which provides that the trial court “shall not accept a plea of guilty without first determining that the plea is made voluntarily with understanding of the charge.” *D*’s motion was denied. *Held*, affirmed, in a short per curiam opinion without discussion of the merits of *D*’s motion. A dissenting judge held that Rule 11 had been violated, and that *D* was entitled to the relief sought. *Marvel v. United States*, 335 F.2d 101 (5th Cir. 1964).

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