

United States Court of Appeals
For the Eighth Circuit

No. 25-3221

United States of America,

Plaintiff - Appellee,

v.

Bruce Lamont Strickland,

Defendant - Appellant.

Appeal from United States District Court
for the Western District of Arkansas - Fayetteville

Submitted: June 12, 2026
Filed: August 25, 2026

Before COLLOTON, Chief Judge, ERICKSON and GRASZ, Circuit Judges.

COLLOTON, Chief Judge.

Bruce Strickland pleaded guilty to aiding and abetting in the distribution of fifty or more grams of methamphetamine, but then gave an allocution at sentencing

in which he appeared to deny responsibility. After discussion with the district court,* Strickland successfully moved to withdraw his guilty plea. He proceeded to trial and was found guilty. Strickland appeals and disputes the district court's handling of this unusual situation. We conclude that there is no reversible error, and affirm the judgment.

I.

According to evidence at trial, Strickland was arrested after a search of his residence in October 2023 discovered twelve pounds of methamphetamine. Strickland told investigators that the methamphetamine belonged to Alaya Rahm, who lived with Strickland, and that Rahm was “dropping it on him” when police arrived. Rahm admitted that he brought two backpacks filled with methamphetamine to the apartment. He told police that he brought over approximately “5” in the backpacks and supplied Strickland with approximately “4.”

A grand jury charged both Strickland and Rahm with possessing with intent to distribute 500 grams or more of methamphetamine. *See* 21 U.S.C. § 841(a)(1), (b)(1)(A)(viii). After the grand jury returned a superseding indictment that added two firearms charges, Strickland pleaded guilty to a lesser offense of aiding and abetting the distribution of fifty grams or more of methamphetamine. *See id.* § 841(b)(1)(B)(viii). In a plea agreement, the parties provided that Strickland would plead guilty to this lesser drug offense, and that the government would dismiss the greater drug offense and the firearms charges. The district court initially accepted Strickland's guilty plea but deferred approval of the plea agreement.

*The Honorable Timothy L. Brooks, Chief Judge, United States District Court for the Western District of Arkansas.

At the sentencing hearing, after review of a final presentence report, the court approved the plea agreement. *See* Fed. R. Crim. P. 11(c)(4). After determining an advisory guideline sentencing range, the court asked Strickland whether he would like to make a statement before the court imposed sentence. *See* Fed. R. Crim. P. 32(i)(4)(A)(ii). Strickland replied affirmatively and gave a statement in which he accepted responsibility for his “lifestyle,” including his past drug use and addiction. He also accepted responsibility for “having [Rahm] as a friend . . . and being involved with him in the past.” But Strickland stated that he did not intend to sell methamphetamine with Rahm and did not know that Rahm planned to bring methamphetamine to the apartment.

The court then expressed concern that Strickland’s statements did not align with his plea of guilty:

I know from the procedural history in this case that you maintained your innocence right up to the end I’m a little bit confused here. I accepted your guilty plea back in October. But what you appear to be telling me today, your statement just now is the same thing that you told the cops back on October 2, 2023, when you said you didn’t know anything about Rahm stopping by, that he just came in and dropped all of this meth on you and you had no idea. That’s what you told the cops and that kind of sounds like the same thing that you’re telling me today I can’t tell whether you’re accepting responsibility or not. Which is it?

Strickland answered that he was accepting responsibility for “my part of being around [Rahm], living this lifestyle of being an addict.” He explained that he pleaded guilty because, based on his criminal history, he would “look as the bad guy regardless.” Throughout the colloquy, Strickland declined to accept responsibility for any involvement with the seized methamphetamine.

The court responded that if Strickland had presented “the story that you’re telling me now,” then the court “would not have accepted your guilty plea, because you’re telling me a story today that, yes, you assisted him in the past, but you didn’t have anything to do with the 5.4 kilos that were seized.” The court asked Strickland, “do you regret having pled guilty to something that you’re telling me now that you didn’t do?” Strickland replied that he had “no choice in this situation.” The court then adjourned the hearing until a later date to give Strickland time to “think through the predicament” and “explore what the options may be.”

At a reconvened sentencing hearing, Strickland again denied committing the charged conduct. The court explained that it could not “in good conscience” sentence Strickland, because his claim of innocence contradicted his guilty plea. The court retracted its earlier statement about the plea agreement and said that it was “not going to approve the plea agreement.” The court explained that “Mr. Strickland has told me that the only reason that he pled guilty is because he knows that it would look bad to a jury and because he learned in Drug Court that he has to accept responsibility for the people that he hangs out with.”

The court informed the parties that it would “entertain a motion to set aside his guilty plea” and “would likely find a fair and just reason to allow Mr. Strickland to withdraw his guilty plea.” The court alerted Strickland, however, that withdrawal of his plea likely would mean that the case would proceed to trial.

After conferring privately with his attorney, Strickland moved through counsel for permission to withdraw his plea of guilty. Counsel explained that “this guilty plea proceeding started sort of going off the rails,” and that Strickland “maintains his innocence to this day.” The court heard from the government, granted the motion, and announced that the case would be set for a prompt trial.

A grand jury returned a superseding indictment that added a drug conspiracy charge. The case proceeded to trial, and a jury found Strickland guilty on all four counts—two drug trafficking charges and two firearms charges under 18 U.S.C. §§ 922(g)(1) and 924(c). The district court imposed a total sentence of 360 months' imprisonment.

II.

Strickland contends that the district court erred in retracting its acceptance of his plea agreement. He contends that Federal Rule of Criminal Procedure 11 does not allow a court to change course after accepting an agreement under Rule 11(c)(4).

We conclude that Strickland waived any claim regarding approval of the plea agreement when he moved to withdraw his guilty plea. The first term in the plea agreement called for Strickland to plead guilty. When Strickland withdrew his plea of guilty, he breached the plea agreement and released the government from any obligations under the agreement. Without a guilty plea, there was no plea agreement to approve. Strickland waived any right to enforce the plea agreement when he successfully moved the district court to allow withdrawal of the plea and declined to plead guilty.

Strickland also contends that the district court improperly forced him to withdraw the guilty plea. The record does not support this contention. To be sure, the court declared that it could not in good conscience impose a sentence on Strickland and invited a motion to set aside the guilty plea. But Strickland retained the option to adhere to his guilty plea, to seek enforcement of the plea agreement, and to seek appellate review if the court refused to proceed with sentencing. Strickland consulted with counsel and chose to withdraw his guilty plea because, as his attorney explained, he continued to maintain his innocence. The record does not show that Strickland's choice was coerced.

Strickland next complains that when the case proceeded to trial, the district court erred by allowing evidence of his allocution statements at the abbreviated sentencing hearing. Although the allocution effectively amounted to a denial of guilt, he contends that the admission of his statements violated notions of “fundamental fairness” under the Due Process Clause and his right against self-incrimination. He also relies on the prohibition in Federal Rule of Evidence 410(a) against using evidence of a statement made during a proceeding on a guilty plea that was later withdrawn.

We reject the due process claim because Strickland spoke voluntarily with advice of counsel at the sentencing hearing. When he later moved to withdraw his guilty plea and to set the case for trial, Strickland was aware of his own statements made earlier in the proceeding. Strickland placed himself in a position where his statements in open court were available for use at a future trial, and there was no constitutional error in admitting them. Nor was the allocution statement inadmissible under Rule 410. Strickland’s plea agreement waived any right to challenge evidence under that rule if he breached the plea agreement. He breached the agreement by withdrawing his plea and declining to plead guilty, so the argument under Rule 410 about the use of evidence at trial is waived and unavailing. *See United States v. Washburn*, 728 F.3d 775, 780 (8th Cir. 2013).

The judgment of the district court is affirmed.
