

United States Court of Appeals
For the Eighth Circuit

No. 26-1917

United States of America

Plaintiff - Appellee

v.

Stacen Botts

Defendant - Appellant

Appeal from United States District Court
for the Southern District of Iowa - Central

Submitted: October 9, 2026

Filed: October 15, 2026

[Unpublished]

Before LOKEN, SHEPHERD, and ERICKSON, Circuit Judges.

PER CURIAM.

Charged in two counts with conspiring to distribute and distributing more than 400 grams of fentanyl, Stacen Botts filed a series of *pro se* motions seeking, *inter alia*, to compel discovery and recusal of the district court judge, which the district

court¹ declined to consider because he was represented by counsel. Botts then entered into a binding plea agreement under Federal Rule of Criminal Procedure 11(c)(1)(C) in which he pleaded guilty to the lesser included conspiracy offense and the government agreed to dismiss the distribution count and its notice of 21 U.S.C. § 851 enhancement. The parties agreed Botts should be sentenced to 60 months imprisonment. The agreement included an appeal waiver in which Botts waived his right to appeal the conviction and sentence if the district court imposed the agreed sentence on any ground except ineffective assistance of counsel or prosecutorial misconduct.

The district court conducted a change of plea hearing at which Botts confirmed that he had consulted with his counsel and understood the rights he was waiving by pleading guilty; admitted the factual basis for the offense; understood the penalties he faced, the sentencing procedure, and his appeal waiver; and stated his decision to plead was voluntary. The district court found the plea was knowing and voluntary and accepted the guilty plea that day. After the hearing, counsel withdrew Botts's *pro se* motions. Six weeks later, counsel moved to withdraw and advised the court that Botts wished to withdraw the plea and reassert his withdrawn *pro se* motions. The district court initially denied counsel's motion to withdraw but after a Faretta hearing at which Botts was found competent to represent himself, as he had requested, granted counsel's request to withdraw and appointed him standby counsel.

Botts then filed a motion to withdraw his guilty plea, arguing it was not knowing or voluntary. He also moved for an evidentiary hearing to address the circumstances surrounding the plea, a stay of sentencing, revival of his previously withdrawn *pro se* motions, and entry of an order unsealing "a wide variety of purportedly sealed filings and communications in other cases, as well as

¹The Honorable Stephanie M. Rose, Chief Judge, United States District Court for the Southern District of Iowa.

correspondence between his counsel and the Court, and additional documents relied upon by the court.”

In a lengthy Combined Order on Motion dated March 25, 2026, the district court (i) denied Botts’s motion to withdraw the plea because he “has not demonstrated a fair and just reason to withdraw” nor “made any other showing that would support withdrawal; (ii) ruled that “an evidentiary hearing is likewise unnecessary because the allegations in the motion are inherently unreliable, are not supported by specific acts [and] are not grounds for withdrawal even if true” (quotation omitted); and (iii) denied [h]is remaining motions as “without merit,” explaining in detail that the motions “for disclosure of *Brady* and *Giglio* material, to correct or clarify the record, to preserve and produce evidence, to unseal transcripts and related records, and to modify the protective order -- all rest on the premise that his guilt remains open to adjudication.” “Because the Court has denied Defendant’s motion to withdraw his plea, his guilt is no longer at issue.” After a sentencing hearing, the court sentenced Botts to 60 months imprisonment, the agreed sentence.

Botts appealed and we appointed standby counsel to represent him on appeal. Counsel then filed a brief under Anders v. California, 386 U.S. 738 (1967), addressing the issues Botts seeks to appeal -- the district court’s denial of his attempt to withdraw his plea and its denial of his other pretrial motions. Counsel also filed a Renewed Motion To Withdraw as Counsel stating that, in light of the appeal waiver in the Rule 11(c)(1)(C) plea agreement, “the appeal is without merit.” Botts filed a *pro se* brief repeating and expanding the arguments in counsel’s Anders brief and a motion requesting that we take judicial notice of attached exhibits from one of his codefendant’s cases and sealed correspondence between the district court judge and his counsel explaining why codefendant cases were reassigned to a different judge.

After careful review of the record on appeal, including the extensive motion proceedings in the district court, and bearing in mind that “the trial court has broad

discretion in determining whether to permit a defendant to withdraw guilty pleas,” United States v. Jones, 908 F.2d 365, 369 (8th Cir. 1990) (citations omitted), we affirm for the reasons stated in the district court’s thorough Combined Order on Motion dated March 25, 2026. In particular, we agree that Botts entered into the plea agreement and appeal waiver knowingly and voluntarily, and that the appeal waiver is valid, enforceable, and applicable to his challenge to the denial of his pretrial motions. To the extent Botts raises an ineffective-assistance-of counsel claim, we decline to address it in this direct appeal.

We have independently reviewed the record under Penson v. Ohio, 488 U.S. 75 (1988), and have found no non-frivolous issues for appeal falling outside the scope of the waiver. Accordingly, we grant counsel leave to withdraw. We deny Botts’s totally inappropriate motion for judicial notice of sealed and confidential materials in this case and in other related criminal cases and for any other relief requested.
