



guilty—a violation of Fed. R. Crim. P. 11(f) (2001), which provides that “[n]otwithstanding the acceptance of a plea of guilty, the court should not enter a judgment upon such plea without making such inquiry as shall satisfy it that there is a factual basis for the plea.”<sup>2</sup> The government concedes that there was no factual basis in the record to support the plea under Rule 11(f), that Coffelt’s substantial rights were violated by this error, and that his conviction and sentence should thus be vacated and the case remanded for further proceedings. *See United States v. Tunning*, 69 F.3d 107, 115 (6th Cir. 1995) (“Where, as in this case, we conclude that the record is not one upon which the district court could have satisfied itself, then the appropriate remedy is to remand the case with instructions to further develop the record. If the government is unable to establish a factual basis for all the elements necessary to prove [the charged crime] through its proffer of evidence, then the factual basis must be established in some other way, or the district court may not accept [defendant’s] guilty plea.”).

Accordingly, Coffelt’s conviction and sentence are vacated, and his case is remanded to the district court for further proceedings. Because Coffelt’s conviction and sentence are no longer in force, his remaining challenges to his sentence are rendered moot. *See id.*

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<sup>2</sup>Rule 11(f) was the relevant rule in place at the time of Coffelt’s plea in 2001. The necessity of a factual basis to support the plea is now codified at Rule 11(b)(3), as amended in 2002.