

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Lamarrio Sierra Fields,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

January 31, 2023

Court of Appeals Case No.
22A-CR-2198

Appeal from the Vanderburgh
Superior Court

The Honorable Robert J. Pigman,
Judge

Trial Court Cause No.
82D03-2108-F1-4331

Memorandum Decision by Judge Brown
Judges Bailey and Weissmann concur.

Brown, Judge

- [1] Lamarrio Sierra Fields appeals the trial court’s order that he is a sexually violent predator and required to register for life. We affirm.

Facts and Procedural History

- [2] On August 11, 2021, the State charged Fields with thirty-seven counts of child molesting as level 1 felonies. On August 24, 2021, the State filed an amended information charging Fields with five counts of child molesting as level 1 felonies under Counts 1, 2, 3, 5, and 37 and two counts of child molesting as level 4 felonies under Counts 38 and 39. Count 38 and Count 39 each alleged that, “between November 8, 2018 and August 9, 2021, [Fields] did perform fondling or touching with Victim 1, a child under the age of fourteen years, with the intent to arouse or satisfy the sexual desires of the child or defendant, contrary to the form of the statutes in such cases made and provided by I.C. 35-42-4-3(b)” Appellant’s Appendix Volume II at 50-51. The State filed a motion to dismiss Counts 4 and 6 through 36 without prejudice, and the court granted the motion.
- [3] On July 13, 2022, a plea agreement signed by Fields and the prosecutor was filed with the court. The agreement provided that Fields intended to plead guilty as charged to Counts 38 and 39 and that Counts 1, 2, 3, 5, and 37 would be dismissed. The agreement stated the parties agreed to the following sentencing recommendation: “Count 38 and 39: The Court shall sentence the Defendant to the Indiana Department of Correction for a fixed-term of seven

[7] years executed at the Indiana Department of Correction.” *Id.* at 71. In addition, the agreement provided: “The Defendant acknowledges that he must register as defined under Indiana Code 11-8-8 or any amendments thereto.” *Id.* A handwritten sentence appears next to this statement in the plea agreement which states: “Length of registration & credit restriction to be determined by court.” *Id.* The court held a plea hearing at which Fields pled guilty pursuant to the plea agreement.

[4] On August 15, 2022, the trial court held a sentencing hearing. The court accepted the plea agreement and sentenced Fields to seven years for each of his convictions under Counts 38 and 39 and ordered that the sentences be served concurrently. The prosecutor argued that Fields was a sexually violent predator under Ind. Code § 35-38-1-7.5(b)(1)(C), as he was convicted of child molesting as a level 4 felony, “which would mean that he would have to register for life.” Transcript Volume II at 21. Fields’s counsel argued: “I believe there must be a factual determination. I don’t believe the Court has the necessary information to do that. I don’t think the Court can make that finding today.” *Id.* The court took the matter under advisement. The court issued a written sentencing order stating: “Court finds the Defendant is a Sexually Violent Predator by virtue of I.C. 35-38-1-7.5(b)(1)(c) and is required to register for life, but determines the Defendant is not a credit restricted felon.” Appellant’s Appendix Volume II at 104.

Discussion

- [5] Fields asserts that the trial court denied him the benefit of his plea agreement. He argues that, “[e]ven though [he] would have been labeled a ‘sexually violent predator’ by operation of law, the plea agreement gave the trial court the discretion to make this determination” and “[i]n this case, the parties expressly agreed to leave [his] status and length of registration to the discretion of the trial court.” Appellant’s Brief at 10 (capitalization omitted). He argues “this Court should reverse the ‘sexual violent predator’ finding and the associated finding that [he] is required to register as a sexual predator for life and remand this cause for an evidentiary hearing on these issues.” *Id.* at 12. The State maintains that Fields received the benefit of his plea agreement. It argues the plea agreement provided that Fields must register as defined under Ind. Code Chapter 11-8-8, Fields is a sexually violent predator under Ind. Code § 35-38-1-7.5(b)(1)(C), and Ind. Code § 11-8-8-19(b) provides that a sex or violent offender who is a sexually violent predator is required to register for life.
- [6] The plea agreement provided Fields “acknowledges that he must register as defined under Indiana Code 11-8-8” and stated “[l]ength of registration . . . to be determined by court.” Appellant’s Appendix Volume II at 71. Ind. Code Chapter 11-8-8 relates to sex offender registration. Ind. Code § 11-8-8-19(b) provides: “A sex or violent offender who is a sexually violent predator is required to register for life.” A “sex or violent offender” means a person convicted “of any of the following offenses: . . . Child molesting (IC 35-42-4-3). . . .” Ind. Code § 11-8-8-5(a). Ind. Code § 11-8-8-6 provides: “As used in this

chapter, ‘sexually violent predator’ has the meaning set forth in IC 35-38-1-7.5.”

Ind. Code § 35-38-1-7.5(b) provides:

A person who:

- (1) being at least eighteen (18) years of age, commits an offense described in:

* * * * *

- (C) IC 35-42-4-3 as a Class A or Class B felony (for a crime committed before July 1, 2014) or a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014);

* * * * *

is a sexually violent predator.

[7] The record reveals that Fields pled guilty as charged to Counts 38 and 39 of the amended information. Each of Counts 38 and 39 alleged that Fields committed child molesting as a level 4 felony under Ind. Code § 35-42-4-3. The trial court’s determination that Fields is a sexually violent predator and required to register for life is not inconsistent with the plea agreement or statutes, and we are not persuaded the plea agreement required the court to receive further evidence or hold an evidentiary hearing as Fields asserts. We find no error.

[8] For the foregoing reasons, we affirm the trial court.

[9] Affirmed.

Bailey, J., and Weissmann, J., concur.