

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Terry L. Jones,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

January 28, 2021

Court of Appeals Case No.
20A-CR-1547

Appeal from the Elkhart Superior
Court

The Honorable Stephen R.
Bowers, Judge

Trial Court Cause No.
20D02-1907-F5-163

Tavitas, Judge.

Case Summary

- [1] Following his guilty plea, Terry Jones appeals the denial of his motion to suppress. Our Supreme Court, however, has held that a defendant cannot challenge a trial court's ruling on a motion to suppress following a guilty plea. Accordingly, Jones forfeited his ability to challenge the trial court's denial of the motion to suppress by pleading guilty, and we affirm.

Issue

- [2] Jones raises one issue, which we restate as whether the trial court erred by denying his motion to suppress.

Facts

- [3] In July 2019, the State charged Jones with: Count I, possession of a handgun after a previous felony conviction, a Level 5 felony; Count II, resisting law enforcement, a Class A misdemeanor; and Count III, possession of a controlled substance analog, a Class A misdemeanor.¹ In January 2020, Jones filed a motion to suppress, asserting violations of the Fourth Amendment to the United States Constitution and Article 1, Section 11 of the Indiana Constitution. In May 2020, the trial court denied Jones's motion to suppress.

¹ The State initially charged Jones in Count III with public intoxication, a Class B misdemeanor. The charge was later amended to possession of a controlled substance analog, a Class A misdemeanor.

[4] On June 10, 2020, Jones pleaded guilty as charged. The trial court sentenced Jones to concurrent sentences of five years for the possession of a handgun conviction; one year for the resisting law enforcement conviction; and one year for the possession of a controlled substance analog conviction. Jones now appeals.

Analysis

[5] Jones’s only argument is that the trial court erred by denying his motion to suppress. The State correctly argues that Jones cannot challenge the denial of his motion to suppress after pleading guilty.

[6] In *Alvey v. State*, 911 N.E.2d 1248, 1251 (Ind. 2009), our Supreme Court made clear that “a defendant cannot challenge the trial court’s ruling on a motion to suppress following a guilty plea.” The Court noted that “[d]efendants who plead guilty to achieve favorable outcomes forfeit a plethora of substantive claims and procedural rights.” *Alvey*, 911 N.E.2d at 1250-51 (citing *Games v. State*, 743 N.E.2d 1132, 1135 (Ind. 2001)). Defendants “cannot benefit from both the advantages of pleading guilty and the right to raise allegations of error with respect to pre-trial rulings; these rights are relinquished once defendants decide against facing an uncertain outcome at trial.” *Id.*

[7] Although Jones could have sought an interlocutory appeal regarding the trial court’s denial of his motion to suppress, he did not do so. *See id.* at 1250 (“Alvey had the opportunity to request certification of the trial court’s ruling for an interlocutory appeal on the denial of his motion to suppress; however, he did

not.”). Instead, Jones pleaded guilty, which foreclosed his ability to now appeal the denial of the motion to suppress. Accordingly, Jones’s argument fails.

Conclusion

[8] Jones forfeited his ability to challenge the trial court’s denial of the motion to suppress by pleading guilty. We affirm.

[9] Affirmed.

Bailey, J., and Robb, J., concur.