MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Ronnie A. Bradfield,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

July 11, 2022

Court of Appeals Case No. 21A-CR-2370

Appeal from the Howard Superior Court

The Honorable William C. Menges, Judge

Trial Court Cause No. 34D01-2005-F4-1190

Mathias, Judge.

[1] Ronnie A. Bradfield appeals his conviction for Level 4 felony dealing in methamphetamine following a jury trial. Bradfield raises a single issue for our

review, which we restate as whether he preserved for appellate review his claim that the trial court erred in the admission of evidence. We affirm.

Facts and Procedural History

[2] On February 10, 2020, Kokomo Police Department Drug Task Force officers engaged Curtis Baker, an informant, to conduct a controlled buy of three-and-one-half grams of methamphetamine from Bradfield. In doing so, officers permitted Baker, who has a lifetime driving suspension for being a habitual traffic violator, to drive a pick-up truck to the location of the controlled buy. Officers did not otherwise give Baker "a pass or anything that allowed [him] to drive" while suspended. Tr. p. 35.

[3] Following the controlled buy, the State charged Bradfield with Level 4 felony dealing in methamphetamine. The State filed a motion in limine to suppress Baker's driving record as irrelevant and, at Bradfield's ensuing jury trial but outside the presence of the jury, Bradfield asked Baker if officers had permitted Baker to operate a vehicle despite his lifetime suspension in conducting the controlled buy. Baker responded affirmatively. Bradfield then argued that the State's conduct showed that Baker had received a privilege in exchange for conducting the controlled buy and the testimony should be admissible to the weight of Baker's credibility. But the trial court concluded that Baker's driving suspension was irrelevant and inadmissible. At no point during his trial did Bradfield argue that Baker's testimony, or any other evidence from the controlled buy, was inadmissible on a theory that the State allowing Baker to operate a vehicle was so outrageously dangerous that the State should be penalized through the suppression of evidence.

[4] The jury found Bradfield guilty as charged. The trial court entered its judgment of conviction and sentenced Bradfield accordingly. This appeal ensued.

Discussion and Decision

[5] On appeal, Bradfield asserts only that the trial court erred when it permitted evidence from the controlled buy to be admitted because, according to Bradfield, the State engaged in "outrageously dangerous" conduct when it permitted Baker to operate a vehicle despite his lifetime suspension. Appellant's Br. at 6. However, Baker did not object to the State's evidence on the ground that it should be deemed inadmissible for having been acquired through outrageously dangerous conduct. Instead, he argued that Baker's driving record was admissible evidence relevant to the issue of Baker's credibility.

[6] "A defendant may not raise one ground" for the admissibility or inadmissibility of evidence at trial "and argue a different ground on appeal." *Small v. State*, 736 N.E.2d 742, 747 (Ind. 2000). Thus, Bradfield's claim of error "is waived." *Id.* Further, Bradfield does not argue on appeal that the trial court committed fundamental error in the admission of the evidence. Therefore, any argument under the fundamental error doctrine is also waived. *See* Ind. Appellate Rule 46(A)(8)(a).

[7] Bradfield's clear waivers notwithstanding, the State did not engage in outrageously dangerous conduct simply by permitting Baker to engage in a status violation by operating a vehicle in the course of the controlled buy. In *Osborne v. State*, we held that the State had permitted outrageously dangerous conduct when it directed an

intoxicated informant to operate a motor vehicle above the speed limit on a city street in order for officers to have a pretext for a traffic stop and then search a passenger. 805 N.E.2d 435, 437, 440 (Ind. Ct. App. 2004), *trans. denied*. Here, in contrast, there are no facts that show that Bradfield actually operated the vehicle in a dangerous manner. Therefore, *Osborne* is inapposite, and we affirm Bradfield's conviction.

[8] Affirmed.

Brown, J., and Molter, J., concur.