

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Jaylin Joseph Hughes,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

September 29, 2023

Court of Appeals Case No.
23A-CR-351

Appeal from the Lake Superior
Court

The Honorable Natalie Bokota,
Judge

Trial Court Cause Nos.
45G02-1905-F3-77
45G02-1809-F3-94

Memorandum Decision by Judge Brown
Judges Crone and Felix concur.

Brown, Judge.

- [1] Jaylin Joseph Hughes appeals the trial court’s denial of his motion to withdraw his guilty plea. We affirm.

Facts and Procedural History

- [2] On September 13, 2018, the State charged Hughes under cause number 45G02-1809-F3-94 (“Cause No. 94”) with attempted rape as a level 3 felony, and sexual battery, criminal confinement, and intimidation as level 6 felonies for events allegedly occurring on August 28, 2018. On May 6, 2019, the State charged Hughes under cause number 45G02-1905-F3-77 (“Cause No. 77”) with rape as a level 3 felony for events allegedly occurring between December 2 and 3, 2017.
- [3] On September 23, 2022, Hughes and his counsel signed a stipulated factual basis and plea agreement. The stipulated factual basis provided that between December 2 and December 3, 2017, Hughes and A.A. were together in his vehicle, and while in the vehicle, Hughes grabbed A.A., pulled her toward him without her consent, and confined her by preventing her from leaving. The plea agreement provided that the State would file an amended information adding Count II, criminal confinement as a level 5 felony, under Cause No. 77, he would plead guilty to Count II under Cause No. 77, “[a]t the time of sentencing, the state agree[d] to dismiss Count I: Rape, a Level 3 Felony in [Cause No. 77] and to dismiss [Cause No. 94] in its entirety,” and he would be

sentenced to four years at the Indiana Department of Correction (“DOC”).
Appellant’s Appendix Volume II at 99.

[4] Also on September 23, 2022, the court held a hearing at which Hughes pled guilty and indicated that he had carefully read the plea agreement and factual basis before signing, and the court reviewed the terms of the plea agreement with him. Hughes affirmed that he understood the rights he would be giving up by pleading guilty, and the following exchange occurred:

[THE COURT]: Has anyone promised you anything, other than what’s contained in the plea agreement, to persuade you to plead guilty?

[Hughes]: No.

[THE COURT]: Is anyone forcing or threatening you to plead guilty, Mr. Hughes?

[Hughes]: No.

[THE COURT]: How do you now plead to Count II, criminal confinement, a Level 5 felony under short cause 1905-F3-77, guilty or not guilty?

[Hughes]: Guilty.

THE COURT: The Court does find that you understand the nature of the charges and your legal and Constitutional rights. There is an adequate factual basis for the count to which he has plead guilty. We will order a presentence report.

* * * * *

THE COURT: All right. So November the 4th for Mr. Hughes for the sentencing hearing and it is under advisement. You are ordered to appear, sir, and that will be all.

Transcript Volume II at 11-12, 14.

[5] On November 4, 2022, the court held a sentencing hearing, at which one of Hughes's attorneys made an oral motion:

[Defense Counsel]: I learned for the first time about a half hour ago that my client is no longer interested in any of this and wants to withdraw his plea of guilty.

I explained to him what the basis, the legal requirements are for such a motion. After speaking with him, I don't personally feel that I have legal argument to support that request.

I don't know how the Court wants to handle that. I am going to request permission to withdraw.

Id. at 19-20.¹ The court noted that “the plea agreement calls for sex offender probation and he isn't pleading to the sex offense,” and that it wanted “to make sure your client is aware of those conditions,” and Hughes's counsel responded that he “had met with him because it is extremely strict, and [he] went over those conditions with him” including going through a pamphlet describing the requirements and restrictions. *Id.* at 20. The prosecutor objected to the motion, arguing the State would be prejudiced because the victim had moved out of the state and that Hughes had not met the statutory requirements for such a

¹ The court granted the motion to withdraw and appointed Hughes's public defender in Cause No. 94 to represent him in Cause No. 77 until he could hire another attorney.

motion. The court set a hearing in two weeks to allow Hughes time to submit a motion seeking to withdraw his plea.

[6] On November 16, 2022, Hughes, by counsel, filed a motion to withdraw his guilty plea, which stated that he “recanted his plea of guilty and requested that the Court withdraw his previous plea of guilty,” “the Lake County Criminal Probation Department filed a Supplemental Report to the Pre-Sentence Investigation Report,” and at his presentence investigation interview, “[w]hen asked about the instant offense, [he] responded, ‘It’s all messed up. At the end of the day, I still feel like a man. I didn’t do it.’” Appellant’s Appendix Volume II at 44, 156. He asserted that “repeated recantation of his plea of guilty and maintaining of his innocence is a fair and just reason for the withdrawal of his plea of guilty,” withdrawal would not result in prejudice to the State, and withdrawal was “necessary to correct a manifest injustice, that of convicting a person who has repeatedly recanted his admission and has continued to maintain his innocence.” *Id.* at 45.

[7] On November 18, 2022, the court held a hearing, at which it considered Hughes’s motion to withdraw his guilty plea. Hughes stated that he interviewed with a probation officer the same day as his guilty plea to complete the presentence investigation report, at which time he stated he did not commit the crime to which he pled guilty. Hughes affirmed that he had denied committing the crime to which he had pled guilty “[a]t any opportunity [he’d] had.” Transcript Volume II at 41. The following exchange occurred:

THE COURT: Okay. Mr. Hughes, why would you plead guilty to something that you claim now that you didn't do?

THE DEFENDANT: I pleaded guilty, your Honor, because I felt like I was pressured into it honestly.

THE COURT: Well, you were asked by the Court whether anyone was pressuring you to enter into the plea.

THE DEFENDANT: I told – I've been telling my lawyer since the day I hired him that I wanted to take it to trial and --

THE COURT: You're telling me right here in open court that you have maintained your innocence and that regardless of your -- you had told your attorney, who's standing just to your left, that you wanted to take this matter to trial and he has forced you to take this plea?

THE DEFENDANT: It wasn't this lawyer, your Honor.

THE COURT: Well, he was standing with you in open court on that date?

THE DEFENDANT: Yes.

THE COURT: Is that right?

THE DEFENDANT: Yes, sir.

THE COURT: And you're saying that you have maintained your innocence throughout the course of this, but despite all that, you entered this plea of guilty and you were forced into doing it?

THE DEFENDANT: Yes.

THE COURT: Who forced you?

THE DEFENDANT: Well, not technically forced.

THE COURT: Well, no, I need to know. Who forced you?

THE DEFENDANT: Well, I feel like I was pressured into doing it. Like he's basically telling me like, you need to take this plea, and I didn't want to take it at all. But I was just trying to get everything -- by the way, I'm tired of going through it, just in general, your Honor.

Id. at 46-48. The court denied Hughes's motion to withdraw his guilty plea, accepted the plea agreement, and sentenced him to four years in the DOC suspended to four years on sex offender probation.

Discussion

[8] Hughes argues that the trial court abused its discretion in denying his motion to withdraw his guilty plea because it was necessary to correct a manifest injustice. He argues that the court did not sufficiently "inquire of Hughes as to whether [his attorney] had explained those strict conditions" of sex offender probation. Appellant's Brief at 17.

[9] Ind. Code § 35-35-1-4(b) governs motions to withdraw guilty pleas filed after a defendant has pled guilty but before the trial court has imposed a sentence. It provides:

After entry of a plea of guilty, or guilty but mentally ill at the time of the crime, but before imposition of sentence, the court may allow the defendant by motion to withdraw his plea of guilty, or guilty but mentally ill at the time of the crime, for any fair and just reason unless the state has been substantially prejudiced by reliance upon the defendant's plea. The motion to withdraw the plea of guilty or guilty but mentally ill at the time of the crime made under this subsection shall be in writing and verified. The motion shall state facts in support of the relief

demanded, and the state may file counter-affidavits in opposition to the motion. The ruling of the court on the motion shall be reviewable on appeal only for an abuse of discretion. However, the court shall allow the defendant to withdraw his plea of guilty, or guilty but mentally ill at the time of the crime, whenever the defendant proves that withdrawal of the plea is necessary to correct a manifest injustice.

This statutory language “applies anytime ‘[a]fter entry of a plea of guilty.’” *Peel v. State*, 951 N.E.2d 269, 271 (Ind. Ct. App. 2011) (quoting Ind. Code § 35-35-1-4(b)). “In this context, ‘entry’ means “[t]he placement of something before the court. . . .” *Id.* (quoting BLACK’S LAW DICTIONARY 554 (7th ed. 1999)). “That is, a defendant enters a guilty plea when he offers it to the court.” *Id.* at 271-272.

[10] According to Ind. Code § 35-35-1-4(c):

[W]ithdrawal of the plea is necessary to correct a manifest injustice whenever:

- (1) the convicted person was denied the effective assistance of counsel;
- (2) the plea was not entered or ratified by the convicted person;
- (3) the plea was not knowingly and voluntarily made;
- (4) the prosecuting attorney failed to abide by the terms of a plea agreement; or
- (5) the plea and judgment of conviction are void or voidable for any other reason.

A defendant has the burden to prove by a preponderance of the evidence and with specific facts that he should be permitted to withdraw his plea. Ind. Code § 35-35-1-4(e); *Smith v. State*, 596 N.E.2d 257, 259 (Ind. Ct. App. 1992).

[11] “Manifest injustice” and “substantial prejudice” are necessarily imprecise standards, and an appellant seeking to overturn a trial court’s decision faces a high hurdle. *Coomer v. State*, 652 N.E.2d 60, 62 (Ind. 1995). “The trial court’s ruling on a motion to withdraw a guilty plea arrives in this Court with a presumption in favor of the ruling.” *Id.* We will reverse the trial court only for an abuse of discretion. *Id.* In determining whether a trial court has abused its discretion in denying a motion to withdraw a guilty plea, we examine the statements made by the defendant at his guilty plea hearing to decide whether his plea was offered “freely and knowingly.” *Id.* See also *Davis v. State*, 770 N.E.2d 319, 326 (Ind. 2002) (holding that a trial court’s decision on a request to withdraw a guilty plea is presumptively valid, and a party appealing an adverse decision must prove that the court has abused its discretion), *reh’g denied*.

[12] The record reveals that at the guilty plea hearing, the court informed Hughes of his rights, he indicated he understood the rights he would be foregoing by pleading guilty, he was not under the influence, he had carefully read the plea agreement and stipulated factual basis before signing them, and he understood the terms of the agreement, and the court reviewed the terms of the plea agreement with him to ensure that he understood them. At the hearing, Hughes responded in the affirmative when the court asked: “You also agree and understand that you have been fully advised of the terms of sex offender

probation prior to the entry of this plea agreement. Is that the fact of it, Mr. Hughes? You've been advised of those special sex offender probation rules?" Transcript Volume II at 6-7. Hughes responded in the negative when asked if anyone had promised him anything or had persuaded him to plead guilty and if anyone had forced or threatened him to plead guilty. At no point during the guilty plea hearing did he express a desire to reject the plea agreement or claim to be innocent, and he plead guilty. When Hughes asserted his innocence for purposes of the Presentence Investigation Report and later informed his attorney of his desire to withdraw his guilty plea at the November 4th hearing, the court postponed the hearing for two weeks to allow Hughes to file a motion for withdrawal of his guilty plea. At the hearing on November 18, 2022, the court mentioned the probation conditions, and Hughes's attorney stated that he "had met with him because it is extremely strict, and [he] went over those conditions with him." *Id.* at 20. Hughes stated that he had felt "pressure" to plead guilty in the form of his attorney urging him to accept the plea and because he was "tired of going through" the judicial process in general, and he stated that his guilty plea was "not technically forced." *Id.* at 47-48.

[13] We cannot say the court accepted Hughes's guilty plea while he consistently maintained his innocence. *See Ellis v. State*, 67 N.E.3d 643, 650-651 (Ind. 2017) (citing *Carter v. State*, 739 N.E.2d 126, 129 (Ind. 2000) (stating "an Indiana trial court may not accept a guilty plea that is accompanied by a denial of guilt" but this rule "is explicitly contingent, however, upon the protestation of innocence occurring at the same time the defendant attempts to enter the plea"). The

denial of Hughes’s motion to withdraw his guilty plea was not an abuse of discretion by the trial court, and we cannot say its refusal of his motion constitutes manifest injustice. *See Jeffries v. State*, 966 N.E.2d 773, 778 (Ind. Ct. App. 2012) (“Instances of manifest injustice may include any of the following, none of which are present here: a defendant is denied the effective assistance of counsel, the plea was not entered or ratified by the defendant, the plea was not knowingly and voluntarily made, the prosecutor failed to abide by the terms of the plea agreement, or the plea and judgment of conviction are void or voidable.”), *trans. denied*.

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

[15] Affirmed.

Crone, J., and Felix, J., concur.