

## MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



---

### ATTORNEY FOR APPELLANT

Matthew J. McGovern  
Fishers, Indiana

### ATTORNEYS FOR APPELLEE

Theodore E. Rokita  
Attorney General of Indiana  
  
Ellen H. Meilaender  
Deputy Attorney General  
Indianapolis, Indiana

---

## IN THE COURT OF APPEALS OF INDIANA

---

Ciarra Marie Landfair,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff*

September 26, 2023

Court of Appeals Case No.  
23A-CR-612

Appeal from the Vanderburg  
Circuit Court

The Honorable David D. Kiely,  
Judge

Trial Court Cause No.  
82C01-1906-MR-4038

**Memorandum Decision by Judge Weissmann**  
Judges Riley and Bradford concur.

## **Weissmann, Judge.**

- [1] Ciarra Landfair pleaded guilty to the murder of Kimra Miller. Prior to sentencing, Landfair twice requested that the trial court permit her to withdraw her plea. The trial court refused, and Landfair now appeals. Finding no error, we affirm.

## **Facts**

- [2] In 2019, the State charged Landfair with murder and two counts of attempted obstruction of justice, alleging that Landfair murdered Miller in their shared home and then disposed of her body in a ditch just south of the Indiana-Kentucky state line. Landfair agreed to plead guilty to the murder charge in exchange for a 45-year sentence and dismissal of the remaining charges. The trial court approved the plea agreement, accepted Landfair's guilty plea, and set the matter for a sentencing hearing without entering a judgment of conviction.
- [3] About two weeks later, Landfair asked to withdraw her plea, stating she was innocent and had been pressured to plead guilty. After the court denied her request, Landfair again asked to withdraw her plea. At the rescheduled sentencing hearing, the trial court denied her second request. The court then entered a judgment of conviction against Landfair for murder and sentenced her pursuant to the plea agreement. Three years later, Landfair petitioned to file a belated notice of appeal which the trial court granted.

## Discussion and Decision

- [4] After a defendant pleads guilty, the trial court may, at its discretion, allow the defendant to withdraw their plea before sentencing “for any fair and just reason.” Ind. Code § 35-35-1-4(b). The statute limits the trial court’s discretion by: 1) disallowing withdrawal if “the state has been substantially prejudiced by reliance upon the defendant’s plea;” and 2) requiring withdrawal “whenever the defendant proves that withdrawal of the plea is necessary to correct a manifest injustice.” *Id.* The moving party has the burden of establishing the grounds for relief by a preponderance of the evidence. Ind. Code § 35-35-1-4(e).
- [5] A trial court’s ruling on a defendant’s motion to withdraw their plea comes to this Court with a presumption of validity. *Knight v. State*, 202 N.E.3d 475, 480 (Ind. Ct. App. 2023). We review the trial court’s ruling on such matters “only for an abuse of discretion.” Ind. Code § 35-35-1-4(b). No abuse of discretion occurs when a trial court accepts a plea that was entered freely and knowingly and later refuses to permit the withdrawal of that plea. *Garcia v. State*, 193 N.E.3d 1046, 1048 (Ind. Ct. App. 2022). To determine if a defendant offered their plea freely and knowingly, we examine the statements the defendant made at their guilty plea hearing. *Id.*
- [6] Landfair has failed to show that she did not enter her plea freely and knowingly. Before Landfair plead guilty, she acknowledged that she understood the charges, knew the rights that she was waiving, understood those rights, and was not being coerced. Tr. Vol. II, pp. 23-26. The trial court also ensured that

she had read and understood her plea agreement and was not under the influence of alcohol and drugs.

[7] As recently noted by our Supreme Court, a guilty plea entered after the trial court has “reviewed the various rights which a defendant is waiving and made the inquiries called for in the statute is unlikely to be found wanting in a collateral attack.” *Davis v. State*, 207 N.E.3d 1183, 1187 (Ind. 2023) (quoting *White v. State*, 497 N.E.2d 893, 905 (Ind. 1986)). Landfair alleges no error in the trial court’s advisements.

[8] Landfair’s later assertion of innocence did not require the trial court to allow her to withdraw her plea. A “credible admission of guilt, contradicted at a later date by a general and unpersuasive assertion of innocence, may well be adequate for entering a conviction.” *Carter v. State*, 739 N.E.2d 126, 130 (Ind. 2000). But “[a]dmissions of guilt and assertions of innocence come in many shades of gray, and *the trial judge is best situated to assess the reliability of each.*” *Id.* (emphasis added).

[9] In contrast to the defendant in *Carter*, Landfair argues that she gave a “very, very general factual basis” at her plea hearing and, later, a “very specific insistence o[f] innocence.” Appellant’s Br., p. 13. According to Landfair, the *Carter* Court “signaled” that a defendant’s subsequent, detailed assertion of innocence may render an earlier guilty plea manifestly unjust. *Id.*

[10] To be sure, the degree of detail evident in either an admission of guilt or an assertion of innocence factors significantly into considerations of credibility and

persuasiveness. However, such considerations are the proper province of the trial court, which is charged with sifting conflicting evidence. *See, e.g., Asher v. State*, 128 N.E.3d 526, 530 (Ind. Ct. App. 2019) (quoting *Weatherford v. State*, 697 N.E.2d 32, 34 (Ind. 1998) (“[W]e will not disturb the ruling [on a motion to a withdraw guilty plea] where it was based on conflicting evidence.”)).

[11] In essence, what we have here is conflicting evidence: one statement admitting guilt and another professing innocence. Yet, this Court does not “reweigh the evidence” on appeal. *Weatherford*, 697 N.E.2d at 36 n.9. Accordingly, we conclude that the trial court was well within its discretion to credit Landfair’s original plea of guilty over her later claim of innocence.

[12] Affirmed.

Riley, J., and Bradford, J., concur.