



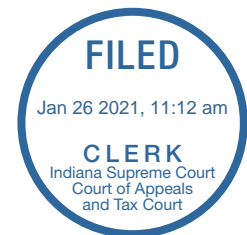
IN THE
Indiana Supreme Court

Supreme Court Case No. 21S-CR-28

Rodriquez Anderson,
Appellant-Defendant,

—v—

State of Indiana,
Appellee-Plaintiff.



Decided: January 26, 2021

Appeal from the Clark Circuit Court

No. 10C02-1808-F2-33

The Honorable Bradley B. Jacobs, Judge

On Petition to Transfer from the Indiana Court of Appeals

No. 19A-CR-2098

Per Curiam Opinion

Chief Justice Rush and Justices David, Massa, Slaughter, and Goff concur.

Per Curiam.

A jury found Rodriquez Anderson guilty of Level 2 felony conspiracy to deal methamphetamine and Class B misdemeanor possession of marijuana. Anderson was sentenced to 25 years for the felony and one year for the misdemeanor, with the sentences to run concurrently. The Court of Appeals affirmed in part and remanded in part, remanding only for the trial court to correct its improper sentence for Anderson's Class B misdemeanor conviction. We grant transfer and summarily affirm the Court of Appeals decision. *See* Ind. Appellate Rule 58(A).

Our purpose in granting transfer is to clarify that once counsel has been *appointed*, even if counsel has not yet entered an appearance, a defendant speaks to the court through counsel. When a defendant files a pro se motion after counsel has been appointed to represent him, such as Anderson's request for an early trial under Indiana Criminal Rule 4(B), the trial court is not required to consider the defendant's pro se request. We articulated this point in *Underwood v. State*, 722 N.E.2d 828, 832 (Ind. 2000), and affirm it here. Before counsel's appointment, a trial court must consider a defendant's pro se motion, like a request for an early trial. After counsel's appointment, this consideration is left to the trial court's discretion.

Here, counsel was appointed for Anderson at the initial hearing. Shortly thereafter, Anderson mailed the trial court a document requesting a speedy trial. At a subsequent hearing, the trial court explained that Anderson's "request [was] not an actual Speedy Trial request," because it was filed after counsel had been appointed. Tr. Vol. II, p. 4. Though Anderson's counsel was not present at this hearing, the trial court advised Anderson that he could discuss with his attorney whether seeking a speedy trial would be beneficial and that his "attorney actually makes the formal request." Tr. Vol. II, p. 6. Because counsel had been appointed for Anderson, the trial court was not required to consider his pro se motion and therefore acted within its discretion by disregarding it.

The Court of Appeals decision is summarily affirmed.

Rush, C.J., and David, Massa, Slaughter, and Goff, JJ., concur.

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