

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

Robert George Lasley, Jr.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff.

May 31, 2022

Court of Appeals Case No.
21A-CR-2517

Appeal from the Marion Superior
Court

The Honorable Shatrese M.
Flowers, Judge
The Honorable James Kevin
Snyder, Magistrate

Trial Court Cause No.
49D28-2007-F4-22146

Pyle, Judge.

Statement of the Case

[1] Robert George Lasley, Jr. (“Lasley”) appeals the trial court’s denial of his motion to withdraw his guilty plea to Level 4 felony unlawful possession of a firearm by a serious violent felon.¹ Lasley argues that the trial court abused its discretion when it denied his motion to withdraw his guilty plea. Concluding that the trial court did not abuse its discretion, we affirm his conviction.

[2] We affirm.

Issue

Whether the trial court abused its discretion when it denied Lasley’s motion to withdraw his guilty plea.

Facts

[3] In July 2020, the State charged Lasley with Level 4 felony unlawful possession of a firearm by a serious violent felon in cause number 49D28-2007-F4-022146 (“Cause 146”), which is the cause on appeal. Lasley posted bond and, a month later in August 2020, the State charged Lasley with additional crimes. Specifically, the State charged Lasley with Level 6 felony possession of cocaine and Class B misdemeanor possession of marijuana in cause number 49D28-2008-F6-025819 (“Cause 819”). Consequently, the trial court revoked Lasley’s bond in Cause 146.

¹ IND. CODE § 35-47-4-5.

[4] On June 28, 2021, Lasley entered into a combined written plea agreement for Cause 146 and Cause 819. Lasley pled guilty to Level 4 felony unlawful possession of a firearm by a serious violent felon in Cause 146.² Lasley and the State agreed to ask the trial court to impose a sentence of six (6) years, with three (3) years executed through Marion County Community Corrections Home Detention and three (3) years suspended and one (1) year of standard probation. The plea agreement also included that Lasley “further acknowledge[d] that entry of a guilty plea pursuant to this agreement constitute[d] an admission of the truth of all facts alleged in the charge or counts to which [Lasley] ple[d] guilty[.]” (App. Vol. 2 at 71). Finally, the plea agreement also provided that “no promises or inducements have been made or given to [Lasley] by the State which [wa]s not part of this written agreement[.]” (App. Vol. 2 at 71).

[5] The trial court held a guilty plea hearing. During this hearing, the following colloquy occurred:

THE COURT: Has anyone forced you, threatened you, or promised you anything of value in order to get you to waive your rights and to accept this plea?

THE DEFENDANT: No, sir.

² In Cause 819, Lasley pled guilty to Level 6 felony possession of cocaine in exchange for the State’s dismissal of the Class B misdemeanor possession of marijuana charge.

THE COURT: So do you feel like you [are] doing so of your own free will?

THE DEFENDANT: Yes, sir.

(Tr. Vol. 2 at 193). Additionally, the trial court reviewed Lasley's plea agreement with him and confirmed that Lasley understood, initialed, and signed the document. The trial court also explained to Lasley that he would be waiving certain constitutional rights, and Lasley stated that he understood. The State established a factual basis for the charge in Cause 146 by reading the charging information for the Level 4 felony unlawful possession of a firearm by a serious violent felon charge into the record. Lasley acknowledged that the facts recited were true, and he pled guilty to the Level 4 felony. The trial court found that Lasley understood his rights, understood the charges, and pled guilty to the charge freely and voluntarily. The trial court took the plea agreement under advisement and ordered a pre-sentence investigation.

[6] One day before the scheduled October 26, 2021 sentencing hearing, Lasley filed a verified motion to withdraw his guilty plea in Cause 146. In his motion, Lasley argued that he did not believe "the State ha[d] evidence against him[.]" (App. Vol. 2 at 94). The trial court addressed Lasley's motion to withdraw at the beginning of the sentencing hearing. Lasley told the trial court that he had been "falsely accused" of the Level 4 felony. (App. Vol. 2 at 202). Lasley provided no details or support for his false accusation assertion. Lasley's counsel stated "for the record" that counsel had reviewed Lasley's case with him "in depth before he took this plea[.]" (Tr. Vol. 2 at 203). The trial court

denied Lasley's motion to withdraw his guilty plea. Thereafter, the trial court sentenced Lasley pursuant to the terms of his plea agreement.

[7] Lasley now appeals.

Decision

[8] Lasley argues that the trial court abused its discretion when it denied his motion to withdraw his guilty plea. We review the denial of a motion to withdraw a guilty plea for an abuse of discretion. IND. CODE § 35-35-1-4(b). A trial court's ruling on a motion to withdraw a guilty plea "arrives in this Court with a presumption in favor of the ruling." *Coomer v. State*, 652 N.E.2d 60, 62 (Ind. 1995). 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.*

[9] INDIANA CODE § 35-35-1-4(b) governs motions to withdraw guilty pleas. After a defendant pleads guilty, but before a sentence is imposed, the court may allow the defendant by motion to withdraw his plea of guilty "for any fair and just reason" unless the State has been "substantially prejudiced by reliance on the defendant's plea." I.C. § 35-35-1-4(b). The court shall allow a defendant to withdraw a guilty plea whenever the defendant proves that withdrawal of the plea is "necessary to correct a manifest injustice." *Id.*

[10] Our review of the record reveals that Lasley entered into his plea freely and knowingly. At his plea hearing, Lasley testified that he had read, understood, and signed the plea agreement. Lasley also testified that he was entering into the plea agreement under his own free will, and no force, threats, or promises had been made to him in order to get him to agree to plead guilty. Subsequently, after the reading of the factual basis, Lasley agreed the facts were true and pled guilty to the charges pursuant to his plea agreement.

[11] Lasley does not argue that his guilty plea should be withdrawn in order to correct a manifest injustice. Instead, Lasley contends that “he was falsely accused and the State lacked evidence against him to prove his guilt[.]” (Lasley’s Br. 10). Lasley argues that this claim that he was falsely accused is a fair and just reason to withdraw his guilty plea. However, before the trial court and on appeal, Lasley presented no evidence or support to show that he had been falsely accused. Thus, we conclude that the trial court did not abuse its discretion when it denied Lasley’s motion to withdraw his guilty plea. *See Brightman v. State*, 758 N.E.2d 41, 46 (Ind. 2001) (finding that the trial court did not abuse its discretion in denying the withdrawal of guilty plea after the record established that defendant freely and knowingly pled guilty).

[12] Affirmed.

Robb, J., and Weissmann, J., concur.