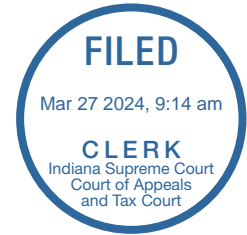


MEMORANDUM DECISION

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 Appellate Rule 65\(D\)](#), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.



IN THE
Court of Appeals of Indiana

Johnathan W. Coats,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff

March 27, 2024

Court of Appeals Case No.
23A-CR-2632

Appeal from the Washington Superior/Circuit Courts

The Honorable Richard G. Striegel, Senior Judge

Trial Court Cause Nos.
88D01-2211-F6-904
88C01-2208-CM-646

Memorandum Decision by Judge Mathias
Judges Tavitas and Weissmann concur.

Mathias, Judge.

- [1] Johnathan W. Coats appeals the trial court's denial of his motion to withdraw his guilty plea. Coats raises a single issue for our review, namely, whether the trial court abused its discretion when it denied his motion. We affirm.

Facts and Procedural History

- [2] On December 19, 2022, Coats entered into an open plea agreement with the State in which Coats agreed to plead guilty to Level 6 felony unlawful possession of a syringe, Level 6 felony operating a vehicle with a controlled substance or its metabolite in the blood, Class A misdemeanor operating a vehicle while intoxicated, Class A misdemeanor cruelty to an animal, and being a habitual offender. That same day, the trial court held a guilty plea hearing and advised Coats of his rights. Coats then established the factual bases for his convictions. The court advised Coats of his possible sentencing consequences and set the matter for a sentencing hearing. At all times, Coats expressed his affirmative understanding of the matters being discussed and in no way suggested hesitation or a lack of understanding to the court.
- [3] Coats failed to appear for his ensuing sentencing hearing in March 2023. The court reset his sentencing hearing for May, but Coats again failed to appear. The court issued an arrest warrant, and law enforcement officers executed that warrant on August 31.
- [4] The court set Coats's sentencing hearing for October 11. On October 10, Coats filed his motion to withdraw his guilty plea. According to Coats, "at the time of

his guilty plea he was suffering from fractures of his C5 and C6 vertebrae and was in intense pain while being incarcerated” on the pending charges.

Appellant’s App. Vol. 2, p. 51. That pain, in turn, led Coats to “desire to be released from incarceration to address these injuries,” and he “did not fully comprehend the importance” of pleading guilty to achieve that release. *Id.*

[5] At his sentencing hearing, Coats testified in accordance with his motion, stating that he had suffered his injuries as a result of an automobile accident in November 2022 that had resulted in several of the charges to which he had pleaded guilty. He testified that jail staff “wasn’t properly caring for” his injuries. Tr. Vol. 2, p. 46. He further testified that, upon his release after pleading guilty, he “went straight to Floyd County Hospital.” *Id.* at 47.

[6] Coats did not submit any medical records in support of his assertions, and the State responded that he was simply attempting “to avoid the authority of this Court.” *Id.* at 50. The court responded that Coats could be “treat[ed] . . . while he’s in prison[, s]o I don’t see any reason to continue this again.” *Id.* at 49. The court then denied Coats’s motion to withdraw his guilty plea and sentenced him accordingly.

[7] This appeal ensued.

Discussion and Decision

[8] Coats asserts that the trial court abused its discretion when it denied his motion to withdraw his guilty plea.¹ As our Supreme Court has explained:

Motions to withdraw guilty pleas are governed by [Ind. Code § 35-35-1-4](#). After the plea of guilty but before sentencing, a court may grant the motion for “any fair or just reason.” *Id.* However, the court is required to grant the motion to prevent “manifest injustice” and is required to deny the motion when the State would be “substantially prejudiced.” *Id.* The trial court’s decision is reviewed for abuse of discretion. *Id.* Upon appeal:

The trial court’s ruling on a motion to withdraw a guilty plea arrives in our Court with a presumption in favor of the ruling. [Coomer v. State, 652 N.E.2d 60, 62 \(Ind. 1995\)](#). One who appeals an adverse decision on a motion to withdraw must therefore prove the trial court abused its discretion by a preponderance of the evidence. [Weatherford v. State, 697 N.E.2d 32, 34 \(Ind. 1998\)](#). We will not disturb the court’s ruling where it was based on conflicting evidence. *Id.*

[Johnson v. State, 734 N.E.2d 242, 245 \(Ind. 2000\)](#).

[Smallwood v. State, 773 N.E.2d 259, 264 \(Ind. 2002\)](#).

¹ We acknowledge the State’s argument that Coats has waived review of the trial court’s denial of his motion to withdraw his guilty plea because Coats’s motion was not verified. [See Carter v. State, 739 N.E.2d 126, 128 n.3 \(Ind. 2000\)](#). But, his apparent waiver notwithstanding, we exercise our discretion to resolve Coats’s appeal on its merits.

[9] Coats first argues that he satisfied his statutory burden of showing that his motion should have been granted to prevent a manifest injustice. *See I.C. § 35-35-1-4(b) (2023)*. According to Coats, his testimony of his back injury was not contested. Coats also asserts that the trial court failed to establish at his guilty plea hearing that he was not suffering from a significant injury. Thus, Coats continues, the trial court had no discretion but to conclude that he did not knowingly and voluntarily enter into his guilty plea. For the same reasons, Coats also asserts that, even if he did fail to show that granting his motion was necessary to prevent a manifest injustice, the trial court still abused its discretion when it denied his motion.

[10] Coats's arguments are mistaken. He appeared at his guilty plea hearing, informed the court that he fully understood his rights and the consequences of his decision, and made no mention at all of any injury to his back. He further repeatedly avoided appearing for his sentencing hearings, which resulted in his arrest on August 31, 2023. And then, after that arrest and for several weeks while in jail awaiting his sentencing hearing, Coats still did not mention his injury to the court. The first time Coats mentioned his injury to the court was on October 10, 2023, nearly ten months after he had pleaded guilty and one day before his sentencing hearing.

[11] The trial court had that record before it, and the court was free to conclude from that record that Coats's last-second assertions were not credible. Coats's arguments to the contrary are simply a request for this Court to reweigh the

evidence and reassess his credibility, which we will not do. We affirm the trial court's denial of his motion to withdraw his guilty plea.

[12] Affirmed.

Tavitas, J., and Weissmann, J., concur.

ATTORNEY FOR APPELLANT

Patrick J. Smith
Smith Law Office
Bedford, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Kathy J. Bradley
Deputy Attorney General
Indianapolis, Indiana