

Case Summary

John Salter (“Salter”) pled guilty to Possession of Marijuana as a Class D felony.¹ He now challenges the conviction on direct appeal, claiming that the doctrine of equitable estoppel requires that his conviction be reversed. However, because a conviction based upon a plea cannot be directly challenged, we dismiss.

Facts and Procedural History

On March 4, 2011, the State charged Salter with Possession of Marijuana as a Class D felony² and Possession of Paraphernalia as a Class A misdemeanor.³ On January 6, 2012, Salter pled guilty to Possession of Marijuana as a Class D felony. At a sentencing hearing on February 10, 2012, the trial court entered a judgment of conviction for Possession of Marijuana as a Class D felony and imposed a sentence of one and one-half years imprisonment, all suspended to probation.

Salter now appeals.

Discussion and Decision

Salter, based on a theory of equitable estoppel, directly appeals his conviction for Possession of Marijuana as a Class D felony instead of as a Class A misdemeanor. We do not purport to evaluate the merits of Salter’s claim. Rather, our Indiana Supreme Court has observed that “the plea as a legal act brings to a close the dispute between the parties[,]”

¹ Ind. Code § 35-48-4-11(1) (2010). The relevant statutory provision has been changed several times since the commission of the offense. We refer to the version of the statute then in effect.

² Id.

³ I.C. § 35-48-4-8.3(a)(1).

and has held that a defendant who pled guilty could not appeal the acceptance of his plea on direct appeal. Pieper v. State, 968 N.E.2d 787, 788-89 (Ind. Ct. App. 2012) (quoting Tumulty v. State, 666 N.E.2d 394, 396 (Ind. 1996)). Thus, a petition for post-conviction relief is the appropriate vehicle for seeking to vacate an adjudication as a result of a guilty plea. Ind. Post-Conviction Rule 1; Pieper, 968 N.E.2d at 788-89. Therefore, we dismiss the appeal.

Dismissed.

RILEY, J., and CRONE, J., concur.