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**IN THE
COURT OF APPEALS OF INDIANA**

BECKY WALTERS,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 39A01-0809-CR-429

APPEAL FROM THE JEFFERSON CIRCUIT COURT
The Honorable Ted R. Todd, Judge
Cause No. 39C01-0711-FA-172

April 8, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BARNES, Judge

Case Summary

Becky Walters appeals her six-year sentence for Class B felony possession of methamphetamine. We affirm.

Issue

We find one dispositive issue, which we restate as whether Walters waived her right to appeal.

Facts

On November 19, 2007, the State charged Walters with Class B felony possession of methamphetamine, Class D felony maintaining a common nuisance, and four counts of Class D felony neglect of a dependent. Walters pled guilty to Class B felony possession of methamphetamine, and the State moved to dismiss the remaining charges. Pursuant to the plea agreement, Walters could not be sentenced to more than eight years. The trial court sentenced Walters to six years. This appeal follows.

Analysis

Our supreme court has held that a defendant may waive the right to appellate review of his sentence as part of a written plea agreement. Creech v. State, 887 N.E.2d 73, 75 (Ind. 2008). Walker's plea agreement contained a specific provision waiving her right to appropriateness review. It provided:

The Defendant acknowledges he has a right to appeal his sentence in this cause by way of direct appeal and seek to have his sentence revised, pursuant to Ind. Appellate Rule 7. By entering into this agreement, the Defendant is expressly waiving his/her right to such appeal.

App. p. 286.

Walters initialed this waiver provision. She also agreed to and acknowledged it after it was read into the record at her guilty plea hearing. She makes no argument on appeal that her plea was not knowingly or voluntarily made.¹ Instead, Walters argues her six-year sentence is inappropriate pursuant to Indiana Appellate Rule 7(B). She contends a sentence with suspended time would have been more appropriate. We conclude that Walters waived any rights to appeal the appropriateness of her sentence. See Creech, 887 N.E.2d at 75.

Conclusion

Walters expressly waived her right to appeal the appropriateness of her sentence. We affirm.

Affirmed.

BAILEY, J., and MATHIAS, J., concur.

¹ The State acknowledges that the trial court mistakenly advised Walters of a right to appeal her sentence at the conclusion of her sentencing hearing. See Tr. p. 192. In Creech, our supreme court held that such remarks were not grounds for allowing defendants to circumvent plea agreements. 887 N.E.2d at 76.