



## STATEMENT OF THE CASE

Larry H. Snyder appeals the trial court's acceptance of his plea of guilty to the State's charge of public intoxication, as a Class B misdemeanor. Snyder raises a single issue for our review, namely, whether he maintained his innocence during his purported plea of guilty.

We affirm.

## FACTS AND PROCEDURAL HISTORY

On September 28, 2009, the State charged Snyder with public intoxication, as a Class B misdemeanor. On December 23, Snyder appeared pro se before the court. The court engaged Snyder in the following discussion:

THE COURT: Are you still requesting a public defender to help you or do you wish to plead guilty today?

DEFENDANT: I'll plead guilty today. I was under the influence of prescribed medication, Vicodin, at the time.

THE COURT: So you're saying you don't wish to plead guilty or you do?

DEFENDANT: I'll—I'll plead guilty today, but I just want the Court to know that I have a prescription for that medication that I was on.

Transcript at 3-4. The trial court accepted Snyder's guilty plea and sentenced him accordingly. This appeal ensued.

## DISCUSSION AND DECISION

Snyder asserts that his guilty plea was not entered into knowingly, voluntarily, and intelligently because, while pleading guilty, he simultaneously protested his innocence. “[A]n Indiana trial court may not accept a guilty plea that is accompanied by a denial of guilt.” Carter v. State, 739 N.E.2d 126, 129 (Ind. 2000). That rule “is explicitly

contingent, however, upon the protestation of innocence occurring at the same time the defendant attempts to enter the plea.” Id.

Here, Snyder argues that he maintained his innocence during his guilty plea “by stating that he was involuntarily intoxicated because he was under the influence of prescription medication when he was charged with Public Intoxication . . . .” Appellant’s Br. at 8. Indiana law provides an affirmative defense to an otherwise criminal act if the person who engaged in the prohibited conduct did so while intoxicated, so long as “the intoxication resulted from the introduction of a substance into his body: (1) without his consent; or (2) when he did not know that the substance might cause intoxication.” Ind. Code § 35-41-3-5. Snyder argues that his statements to the trial court fell within that affirmative defense because he “would not expect that his medication, as prescribed by a doctor, would cause him to be impaired.” Appellant’s Br. at 10.

Snyder did not proclaim innocence to the trial court during his guilty plea. He did not inform the court that he was unknowingly intoxicated or that he was intoxicated without his consent. Rather, he simply informed the court that the origin of his intoxication was prescription Vicodin. In any event, public intoxication, as a Class B misdemeanor, does not require the State to prove a particular mental state on the part of the defendant, i.e., the defendant’s knowledge or consent, which the involuntary intoxication defense would negate. See I.C. § 7.1-5-1-3. As such, Snyder’s arguments on appeal must fail.

Affirmed.

VAIDIK, J., and BROWN, J., concur.