Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

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IN THE
COURT OF APPEALS OF INDIANA

TRAVIS A. SMITH,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 46A04-0903-CR-143
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LaPORTE SUPERIOR COURT
The Honorable Kathleen B. Lang, Judge
Cause No. 46D01-0711-FA-208

December 29, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAKER, Chief Judge

Appellant-defendant Travis A. Smith appeals the twenty-year sentence imposed by the trial court after Smith pleaded guilty to Robbery,[1] a class A felony. Smith argues that the sentence is inappropriate. Finding that Smith has waived the argument and that, in any event, he received the statutorily imposed minimum sentence, we affirm.

On October 16, 2009, Smith pleaded guilty to class A felony robbery in exchange for the dismissal of another charge. Pursuant to the plea agreement, the parties were free to argue sentencing, but any sentence would be capped at twenty-five years. In exchange for the sentence cap, Smith waived the right to appeal any sentence imposed by the trial court so long as it was within the terms of the plea agreement. On February 5, 2009, the trial court sentenced Smith to twenty-three years incarceration, with five years suspended to probation. A short time later, the trial court re-called Smith into court and informed him that the trial court had imposed an illegal sentence, inasmuch as the minimum twenty-year sentence for the crime of class A felony robbery could not be suspended. Ind. Code § 35-50-2-2(b)(4)(I). Thus, the trial court revised the sentence to an executed term of twenty years. Smith now appeals.

It is well established that criminal defendants who plead guilty may, by way of a specific provision in a written plea agreement, waive the right to directly appeal the sentence. Creech v. State, 887 N.E.2d 73, 74-75 (Ind. 2008); Perez v. State, 866 N.E.2d 817, 819-20 (Ind. Ct. App. 2007), trans. denied. Here, Smith's plea agreement contained

[1] Ind. Code § 35-42-5-1.

just such a provision. Therefore, he has waived the right to appeal the twenty-year sentence, which was within the terms of the plea agreement.

Smith has also waived his inappropriateness argument for failing to raise a cogent argument or cite to relevant authorities. Although he cites to the Appellate Rule 7(B) standard, he never once discusses the nature of the offense or his character. Thus, he faces waiver on this basis as well.

Finally, we briefly observe that Smith could not possibly receive a lesser sentence than that which the trial court imposed. He received the minimum twenty-year term for a class A felony, I.C. § 35-50-2-4, and the trial court is without authority to suspend any portion of that sentence, I.C. § 35-50-2-2(b)(4)(I). Thus, in any event, Smith is not entitled to relief.

The judgment of the trial court is affirmed.

DARDEN, J., and MAY, J., concur.