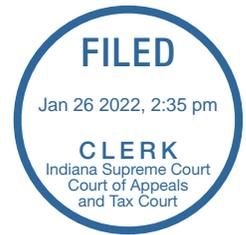


In the  
Indiana Supreme Court



Jason M. Middleton,  
Appellant(s),

v.

State Of Indiana,  
Appellee(s).

Court of Appeals Case No.  
21A-PC-01034

Trial Court Case No.  
70D01-2006-PC-132

Order

This matter has come before the Indiana Supreme Court on a petition to transfer jurisdiction, filed pursuant to Indiana Appellate Rules 56(B) and 57, following the issuance of a decision by the Court of Appeals. The Court has reviewed the decision of the Court of Appeals, and the submitted record on appeal, all briefs filed in the Court of Appeals, and all materials filed in connection with the request to transfer jurisdiction have been made available to the Court for review. Each participating member has had the opportunity to voice that Justice's views on the case in conference with the other Justices, and each participating member of the Court has voted on the petition.

Being duly advised, the Court DENIES the petition to transfer.

Done at Indianapolis, Indiana, on 1/26/2022.

FOR THE COURT

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush  
Chief Justice of Indiana

Massa, J., Slaughter, J., and Goff, J., vote to deny transfer.

David, J., dissents from the denial of transfer with separate opinion in which Rush, C.J., joins.

**David, J., dissenting from the denial of transfer.**

I would grant transfer to disavow the advisement-of-rights process the trial court employed here. Although the Court of Appeals allowed an *en masse* advisement of *Boykin* rights in *James v. State*, 454 N.E.2d 1225, 1228 (Ind. Ct. App. 1983), *reh'g denied*, our Court has never expressly sanctioned this practice, and the process outlined in *James* included safeguards to ensure that all defendants were adequately apprised of their rights before entering a guilty plea.

Here, Middleton was never instructed to listen to the advisement of rights read to another defendant, nor was he told he would not be given the same advisement before pleading guilty. Instead, the court merely asked whether Middleton heard the rights read to a prior defendant, whether he wanted any of them repeated or explained further, and whether he understood that he was waiving those rights by pleading guilty. This perfunctory advisement falls far short of the process described in *James* for ensuring an adequate advisement of a defendant's rights. Our trial courts can and must do better. Doing the right thing is not cumbersome but necessary. And failing to do the right thing puts the Defendant in a very precarious situation and reflects poorly on our system.

Rush, C.J., joins.