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**IN THE
COURT OF APPEALS OF INDIANA**

WILLIAM MANN,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 49A04-0612-CR-722

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Patrick Murphy, Master Commissioner
Cause No. 49G14-0507-FD-116869

August 3, 2007

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

William Mann appeals the \$200 drug interdiction fee assessed as part of his sentence following his guilty plea to class D felony Possession of Cocaine.¹ He presents the following restated issue for review: Did the trial court's assessment of the minimum amount of the mandatory drug interdiction fee,² which was an explicit term of the plea agreement, without holding an indigency hearing violate constitutional prohibitions on excessive fines?

We affirm.

On July 11, 2005, the State charged Mann with class D felony possession of cocaine and class A misdemeanor possession of paraphernalia. Thereafter, on July 5, 2006, he entered into a plea agreement with the State under which he agreed to plead guilty to possession of cocaine. In exchange, the State dismissed the paraphernalia charge and agreed to a sentence of 180 days served on home detention, which would be transferred to another county. The agreement also provided for a \$200 drug interdiction fee, as well as fines and costs to be determined by the court. That same day, the trial

¹ Ind. Code Ann. § 35-48-4-6 (West, PREMISE through 2007 Public Laws approved and effective through April 8, 2007).

² Ind. Code Ann. § 33-37-5-9 (West 2004) provides in relevant part:

(b) The court shall assess a drug abuse, prosecution, interdiction, and correction fee of at least two hundred dollars (\$200) and not more than one thousand dollars (\$1,000) against a person convicted of an offense under IC 35-48-4.

(c) In determining the amount of the drug abuse, prosecution, interdiction, and correction fee assessed against a person under subsection (b), a court shall consider the person's ability to pay the fee.

We have interpreted this statute to require imposition of a fee of at least \$200 when a person is convicted of a crime under I.C. § 35-48-4. *Taylor v. State*, 786 N.E.2d 285 (Ind. Ct. App. 2003). Thus, when only the minimum fee is imposed, the court is not required to consider the person's ability to pay. *Id.*

court accepted the plea agreement and sentenced Mann to 180 days on home detention. The court also imposed the \$200 drug interdiction fee, a \$1 fine, and court costs. Upon questioning by the court, Mann indicated he could pay the fee, fine, and court costs “this week.” *Transcript* at 7. The court, however, gave Mann until August 22 to either pay them or come back to court.

On July 24, 2006, Mann filed a written objection to the drug interdiction fee, raising various constitutional arguments. Following a hearing, the trial court entered a written order on October 3, 2006, denying Mann’s objection to the drug interdiction fee. Mann now appeals, arguing that an excessive fee was imposed “in violation of the Eight Amendment to the United States Constitution, and Article I, Section 16 of the Indiana Constitution” because he was not provided with an indigency hearing.

The State correctly argues that Mann is precluded from bringing this challenge because the imposition of the fee was an explicit term of the plea agreement that he entered into with the State. A plea agreement is contractual in nature, binding the defendant, the State, and the trial court. *Debro v. State*, 821 N.E.2d 367 (Ind. 2005). As our Supreme Court has made clear, a defendant who pleads guilty to achieve a favorable outcome gives up a plethora of substantive claims and procedural rights. *See id.* This includes the right to challenge a sentence that the court might otherwise not have been able to impose. *See Lee v. State*, 816 N.E.2d 35, 40 (Ind. 2004) (“[a] defendant ‘may not enter a plea agreement calling for an illegal sentence, benefit from that sentence, and then later complain that it was an illegal sentence’”) (quoting *Collins v. State*, 509 N.E.2d 827, 833 (Ind. 1987)).

Here, Mann clearly received a significant benefit from the plea agreement, as one charge was dismissed and Mann received the minimum sentence for his class D felony conviction to be served on home detention. Therefore, he cannot now be heard to complain that the \$200 drug interdiction fee was unconstitutionally imposed.

Judgment affirmed.

BAKER, C.J., and CRONE, J., concur.