

SUPREME COURT OF INDIANA

Brightman v. State

758 N.E.2d 41 (Ind. 2001) · No. 49S00-0010-CR-584 · Decided November 15, 2001

SUMMARY

The Supreme Court of Indiana affirmed the denial of Paul Brightman's motion to withdraw guilty pleas to two murder charges. The court held that the plea was entered freely and knowingly, rejected his ineffective-assistance claim, and concluded that the State was not judicially estopped from opposing withdrawal of the plea. The court also addressed Indiana Code § 35-35-1-4(b), governing withdrawal of guilty pleas before sentencing.

CASE DETAILS

COURT	Supreme Court of Indiana
WRITING FOR THE COURT	Shepard, Chief Justice; Dickson, Justice; Sullivan, Justice; Boehm, Justice; Rucker, Justice
JURISDICTION	Indiana
DECIDED	November 15, 2001
DOCKET	49S00-0010-CR-584
DISPOSITION	affirmed
PROCEDURAL POSTURE	Direct appeal from the denial of the defendant's presentence motion to withdraw his guilty plea and motion to prevent the State from opposing the withdrawal.
STANDARD OF REVIEW	A ruling on a motion to withdraw a guilty plea is reviewed for abuse of discretion, with a presumption in favor of the trial court's ruling. The court examines the defendant's plea-hearing statements to determine whether the plea was entered freely and knowingly.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Indiana; precedential.
PARTIES	Paul L. Brightman v. State of Indiana

TOPICS

- plea bargaining
- ineffective assistance
- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by denying Brightman's presentence motion to withdraw his guilty plea on the grounds that the plea was involuntary or that counsel was ineffective.
2. Whether the State should have been judicially estopped from opposing Brightman's motion to withdraw his guilty plea because the State had separately moved to set aside the plea based on an alleged breach of the plea agreement.

HOLDINGS

1. The trial court did not abuse its discretion in denying Brightman's motion to withdraw his guilty plea because the plea-hearing record established that the plea was made freely and knowingly, and the evidence did not establish a manifest injustice or constitutionally deficient representation.
2. Brightman's guilty plea was voluntary and knowing because the plea colloquy showed that he understood the charges, potential sentences, rights waived, plea agreement, and factual basis, and that he was not coerced by threats or promises outside the agreement.
3. Brightman failed to prove ineffective assistance of counsel because he did not show that counsel's performance fell below an objective standard of reasonableness or that he suffered prejudice.
4. Judicial estoppel did not bar the State from opposing Brightman's motion to withdraw his guilty plea because the State's positions were not inconsistent and, in any event, the court had not acted on the State's prior motion to set aside the plea.

KEY QUOTATIONS

"The court must allow a defendant to withdraw a guilty plea if "necessary to correct a manifest injustice.""
(44)

"In all other cases, the court may grant the defendant's motion to withdraw a guilty plea "for any fair and just reason."" (44)

"Judicial estoppel prevents a party from assuming a position in a legal proceeding inconsistent with one previously asserted."" (48)

FACTUAL BACKGROUND

Brightman and Sean Rich broke into the home of Rev. C. Frederick Mathias and Cleta Mathias, where the Mathiases were killed with an ax after Brightman struck them with a gun. Brightman initially faced four murder counts and numerous additional felony and misdemeanor charges, but pleaded guilty to two murder counts in exchange for dismissal of the remaining charges, concurrent sixty-five-year sentences, and an agreement to testify truthfully against Rich. After testifying in Rich's trial, Brightman later recanted his testimony and claimed that his own plea had been involuntary and that his counsel had been ineffective.

PROCEDURAL HISTORY

Brightman was charged with four counts of murder and numerous other offenses. Five days after trial began, he pleaded guilty to two murder counts under an agreement requiring him to testify truthfully against Sean Rich in exchange for dismissal of the remaining charges and concurrent sixty-five-year sentences. After Brightman later recanted testimony given in Rich's proceedings, the State moved to set aside the plea and Brightman moved to withdraw it and to estop the State from opposing withdrawal. The trial court denied all relevant motions and sentenced Brightman to concurrent sixty-five-year terms; the Indiana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Tumulty v. State, 666 N.E.2d 394 (Ind. 1996)
- Coomer v. State, 652 N.E.2d 60, 62 (Ind. 1995)
- Strickland v. Washington, 466 U.S. 668, 687, 690, 694 (1984)
- Williams v. State, 706 N.E.2d 149, 154 (Ind. 1999)
- Burris v. State, 558 N.E.2d 1067, 1072 (Ind. 1990), cert. denied, 516 U.S. 922 (1995)
- Shewmaker v. Etter, 644 N.E.2d 922, 931 (Ind. Ct. App. 1994), aff'd sub nom. Hammes v. Brumley, 659 N.E.2d 1021 (Ind. 1995)
- Hammes v. Brumley, 659 N.E.2d 1021 (Ind. 1995)
- Wabash Grain, Inc. v. Smith, 700 N.E.2d 234, 238 (Ind. Ct. App. 1998)