

Download Robert Ward V State Indiana

Plaintiff, Roy Ward, sits condemned on Indiana's "death row" at Indiana State Prison in LaPorte County. Ward was sentenced to death by execution in 2007 for a 2001 rape and murder. Initially, we observe that despite the State's argument that Ward cannot challenge his guilty plea to being an habitual offender on direct appeal, we are guided by *Weatherford v. State*, 697 N.E.2d 32, 36 n.4 (Ind. 1998), which established that a defendant may directly appeal a trial court's ruling on the defendant's motion to withdraw a guilty plea. Consequently, we must decide whether the trial court erred in rejecting Ward's motion to withdraw his guilty plea to being an habitual offender. The Court of Appeals held that Ward waived his Indiana constitutional claim by failing to separately argue that issue to the trial court, and that the challenged statements were non-testimonial and therefore did not violate the Sixth Amendment. Robert Ward, 56, Anderson, will be committed to the Indiana Department of Mental Health indefinitely, where he can receive specialized counseling and care, officials said.