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LAWRENCE NUNLEY v. State of Indiana

Case Number	31D01-1009-PC-000011
Court	Harrison Superior Court
Type	PC - Post Conviction Relief Petition
Filed	09/27/2010
Status	05/21/2013 , Decided
Related	Consolidated 31D01-0805-FA-000389

Parties to the Case

Respondent State of Indiana

Petitioner NUNLEY, LAWRENCE

Address

Wabash Valley Corr. Facility
PO Box 1111
Carlisle, IN 47838

Other Agency Numbers

198710 Indiana Department of Correction

Attorney

James Michael Sauer
#1336098, Retained

DEPUTY STATE PUBLIC DEFENDER
ONE N CAPITOL, SUITE 800
INDIANAPOLIS, IN 46204-2026
317-232-2475(W)

Chronological Case Summary

09/27/2010 **Cause Of Actions**
Post Conviction Relief - Criminal Action
Filed Against
State of Indiana
Action Type
Claim

09/27/2010 **Case Opened as a New Filing**

09/27/2010 **Petition for Post-Conviction Relief Filed**
Affidavit of Indigency
Filed By: NUNLEY, LAWRENCE
File Stamp: 09/24/2010

09/28/2010 Order Granting

Order entered Appointing State Public Defender. Clerk to notify parties. kh/0928

Movant: NUNLEY, LAWRENCE
Order Signed: 09/28/2010

10/12/2010 Appearance Filed

For Party: NUNLEY, LAWRENCE
File Stamp: 10/12/2010

10/12/2010 Notice Issued

of Present Inability to Investigate

10/14/2010 Answer Filed

File Stamp: 10/14/2010

10/19/2010 Order Granting

Order granting verified notice of present inability to investigate entered. Clerk to notify parties.

Order Signed: 10/14/2010

06/24/2013 Notice Filed

of Withdrawal of Appearance and Certification

Filed By: Sauer, James Michael
File Stamp: 06/24/2013

06/27/2013 Administrative Event

Order Setting Trial and Order to Transport entered. Trial is set for 02/02/14 at 9:00 a.m. on the petitioner's Motion for Post Conviction Relief entered. Clerk to notify parties.

06/28/2013 Hearing Scheduling Activity

Hearing scheduled for 01/02/2014 at 9:00 AM.

09/12/2013 Order Denying

Order denying petitioner's motion for indefinite extension if time entered. Petitioner's request to continue the current trial date set for 01/02/14 at 9:00 a.m. is granted and matter is rescheduled to 07/17/14 at 1:00 p.m. Petitioner shall advise the Court about his progress regarding his ability to proceed to trial no later than March 31, 2014. Clerk to notify parties.

Order Signed: 09/12/2013

09/12/2013 Hearing Scheduling Activity

Hearing originally scheduled on 01/02/2014 at 9:00 AM was rescheduled to 07/17/2014 at 1:00 PM. Reason: By Request.

03/05/2014 Motion Filed

for Indefinite Extension of Time

Filed By: NUNLEY, LAWRENCE
File Stamp: 03/05/2014

03/07/2014 Order Denying

Order denying petitioner's second motion for indefinite extension of time filed on 03/05/14 entered. The petitioner's defacto request to continue the current trial date set for 7/17/14 is granted and the matter is rescheduled to 07/17/15 at 9:00 a.m. The petitioner shall advise the Court about his progress regarding his ability to proceed to trial no later than 12/31/14. Clerk to notify parties.

Order Signed: 03/05/2014

RJO Entry

ORDER DENYING MOTION FOR INDEFINITE EXTENSION OF TIME. copies dist

Order Signed: 03/05/2014

Hearing Scheduling Activity

Hearing originally scheduled on 07/17/2014 at 1:00 PM was rescheduled to 07/17/2015 at 9:00 AM. Reason: By Request.

Administrative Event

request for clarification

Filed By: NUNLEY, LAWRENCE

File Stamp: 03/09/2015

Notice Filed

notice of inability to proceed and request for additional time

Filed By: NUNLEY, LAWRENCE

File Stamp: 03/09/2015

Hearing Scheduling Activity

Hearing originally scheduled on 07/17/2015 at 9:00 AM was rescheduled to 07/14/2016 at 9:00 AM. Reason: By Request.

Notice Filed

of Trial Readiness

Filed By: NUNLEY, LAWRENCE

File Stamp: 01/06/2016

Motion Filed

to Amend Post-Conviction; Motion for Specific Discovery; Request for Issuance of Subpoenas and Affidavit in Support

Filed By: NUNLEY, LAWRENCE

File Stamp: 01/14/2016

Transport Order Entered

Order To Transport entered. Defendant to be transported from Wabash Valley Correctional Facility to the HCJ on or before 7/14/16 at 9:00 a.m. for a hearing and returned to WVCF after completion of hearing. Clerk to notify parties.

Order Signed: 01/14/2016

Answer Filed

to Amended Complaint

Filed By: State of Indiana

File Stamp: 01/22/2016

Response Filed

to Petitioner's Motion for Specific Discovery

Filed By: State of Indiana

File Stamp: 01/22/2016

Motion Filed

Request to have Original Record or Proceedings Removed from the Custody of the Clerk of the Supreme Court and Court of Appeals of Indiana, Submitted to the Trial Court and Received into Evidence as an Exhibit in Post- Conviction Relief Proceedings

Filed By: NUNLEY, LAWRENCE

File Stamp: 02/01/2016

03/07/2016	Motion Filed for Status Update Filed By: NUNLEY, LAWRENCE File Stamp: 03/07/2016
03/11/2016	Administrative Event Petition for Record of Proceedings entered. Clerk to notify parties.
03/11/2016	Administrative Event Court's Response to Petitioner's Request for Issuance of Subpoenas entered. Clerk to notify parties.
03/11/2016	Administrative Event Order on Petitioner's Motion for Specific Discovery entered. Clerk to notify parties.
03/11/2016	Administrative Event All pending motions, petitions and requests filed with this court have been ruled upon. Clerk to notify parties.
03/14/2016	Administrative Event Order on Petitioner's Motion to Amend Petition for Post-Conviction Relief entered. Clerk to notify parrties.
04/21/2016	Administrative Event Court has reviewed defendant's request for status update and documents in question in defendant's request were entered on 03/11/16 and defendant should have received copies thereafter. Clerk directed to notify defendant by CCS.
04/22/2016	Clerk Administrative Event copy of CCS mailed to defendant per court instructions.
04/27/2016	Request for Discovery Filed Second Request for Specific Discovery Filed By: NUNLEY, LAWRENCE File Stamp: 04/27/2016
04/29/2016	Response Filed to Second Request for Specific Discovery Filed By: State of Indiana File Stamp: 04/28/2016
05/02/2016	Notice Filed that Petitioner is not Receiving Notification of Orders Filed By: NUNLEY, LAWRENCE File Stamp: 04/29/2016
07/14/2016	Hearing Session: 01/02/2014 9:00 AM, Rescheduled Session: 07/17/2014 1:00 PM, Rescheduled Session: 07/14/2016 9:00 AM, Judicial Officer: Claypool, Joseph L Comment: POST CONVICTION RELIEF Result: Commenced and concluded

07/14/2016 Hearing Journal Entry

Parties appear. Hearing held. Hearing set for 1/12/17 at 9:00 a.m. Transport Order entered. (REC) rjp.

Judicial Officer: Claypool, Joseph L

07/29/2016 Hearing Scheduling Activity

Hearing scheduled for 01/12/2017 at 9:00 AM.

08/15/2016 Clerk Administrative Event

Defendant files Offer of Proof.

08/22/2016 Motion to Strike Filed

Filed By: State of Indiana

File Stamp: 08/22/2016

08/31/2016 Clerk Administrative Event

Objections to Requests for Admission filed by Susan Schultz, prior attorney for Petitioner

09/01/2016 Administrative Event

Order quashing requests for admission entered. Clerk to notify parties.

09/19/2016 Motion Filed

to Reconsider Previous Ruling and Clarify Inconsistent Rulings by this Honorable Court

Filed By: NUNLEY, LAWRENCE

File Stamp: 09/19/2016

11/14/2016 Objection Filed

Objection to Interrogatories

Filed By: NUNLEY, LAWRENCE

File Stamp: 11/14/2016

11/15/2016 Motion Filed

Motion to Strike

Filed By: State of Indiana

File Stamp: 11/15/2016

11/16/2016 Order Issued

Order denying petitioner's motion in part and granting in part entered. The Court finds the petitioner's motion is denied as to this Courts order quashing requests for admission dated 09/01/16 therefore, Ms. Susan Schultz has no obligation to respond to requests for admissions. The Court further finds that the def. may refer to I.C. 35-37-5-2 in his request to issue subpoenas, which will be considered by this Court upon proper submission. Copy to parties electronically.

Served: State of Indiana

Served: NUNLEY, LAWRENCE

Order Signed: 11/16/2016

11/17/2016 Automated Paper Notice Issued to Parties

Order Issued ---- 11/16/2016 : LAWRENCE NUNLEY

11/28/2016 Administrative Event

request for blank subpoena by defendant

11/29/2016 Order Issued

Order quashing interrogatories entered. Copy to parties electronically; clerk to notify Susan Schultz.

Served: State of Indiana
 Served: Sauer, James Michael
 Order Signed: 11/27/2016

11/30/2016 Automated ENotice Issued to Parties

Order Issued ---- 11/29/2016 : James Michael Sauer

12/13/2016 Motion Filed

Request for Issuance of Subpoenas to Susan Schultz and Matthew McGovern

Filed By: NUNLEY, LAWRENCE
 File Stamp: 12/12/2016

12/13/2016 Subpoena/Summons Issued

File Stamp: 12/12/2016

12/14/2016 Service Returned Served

Subpoena served to Susan Shultz

Date Served: 12/13/2016

01/12/2017 Hearing

Session:

01/12/2017 9:00 AM, Judicial Officer: Claypool, Joseph L

Comment: HEARING ON PCR

Result: Commenced and concluded

01/12/2017 Hearing Journal Entry

State appears, by J. Otto Schalk. Defendant appears, pro se. Hearing held on def. motion for PCR. Testimony heard. State renews motion for summary disposition. Def. requests to file proposed memorandum of findings of facts and conclusions of law. Granted. Def. has 30 days to do so. (REC) srt

Judicial Officer: Claypool, Joseph L

02/07/2017 Proposed Findings of Fact and Conclusions

by certified mail on Feb. 3, 2017

Filed By: NUNLEY, LAWRENCE
 Submitted: 02/03/2017

03/02/2017 Findings of Fact, Conclusions and Order

Order denying petitioner's petition for post-conviction relief entered. Clerk to notify parties.

Order Signed: 03/02/2017

03/03/2017 RJO Entry

FINDINGS OF FACT AND CONCLUSIONS OF LAW DENYING POST CONVICTION

Order Signed: 03/02/2017

03/15/2017 Motion Filed

to Proceed on Appeal 'in forma pauperis'

Filed By: NUNLEY, LAWRENCE
 File Stamp: 03/15/2017

03/20/2017 Notice of Appeal Received

Notice filed with Court of Appeals 3-13-17 under Cause No. 31A01-1703-PC-547

File Stamp: 03/20/2017

03/27/2017 Order Granting

Order granting petitioner's motion to proceed on appeal in forma pauperis entered. Clerk to notify parties.

Served: State of Indiana

Order Signed: 03/23/2017

04/06/2017 Notice of Completion of Clerk's Record

copy to parties

04/17/2017 Clerk Administrative Event

copy of complete Record of Proceedings mailed to defendant

06/27/2017 RJO Entry

Court of Appeals Order Compelling Completion of Transcript.

Order Signed: 06/26/2017

08/07/2017 RJO Entry

Court of Appeals Order compelling providing copy of transcript to defendant

Order Signed: 08/03/2017

07/12/2018 Clerk Administrative Event

Court of Appeals Memorandum Decision filed 5-23-18

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