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NUNLEY, LAWRENCE E. V. STATE OF INDIANA

Case Number	31A01-0902-CR-00088
Court	Court of Appeals
Type	CR - Direct Appeals (Non Capital, Non-LWOP)
Filed	02/16/2009
Status	02/16/2009 , Closed
Reference	Original County Cause Number 31D010805FA389

Parties to the Case

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Address

Confidential Address

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Chronological Case Summary

02/16/2009 **Notice of Appeal Filed in Trial Court**
"NOTICE OF APPEAL FILED"

02/17/2009 **Converted Event**
*****RECEIVED: SERVICE COPY OF THE NOTICE OF APPEAL FROM THE APPELLANT (1). LH 2-20-09

03/06/2009 **Notice of Completion of Clerk's Record**
NOTICE OF COMPLETION OF CLERK'S RECORD (1) *TRANSCRIPT NOT YET COMPLETED* JS 03/11/09

03/26/2009 **Converted Event**
APPELLANT'S CASE SUMMARY BY MATTHEW JON MCGOVERN, ATTY. FOR THE APPELLANT (2) CERTIFICATE OF SERVICE (2) BY MAIL 3-26-09 LH 3-30-09

05/26/2009 **Notice of Completion of Transcript**
NOTICE OF COMPLETION OF TRANSCRIPT (1) JS 05/29/09

06/25/2009 **Appellant Brief and Appendix**
APPELLANT'S BRIEF (9) AND TWO (2) VOLUME APPENDIX (1-GREEN)FILED CERTIFICATE OF SERVICE (9) BY MAIL DATE 06/25/09 RB 06/30/09

06/30/2009 **Trial Court Clerk Notified to Transmit Transcript**
TRIAL COURT CLERK NOTIFIED TO TRANSMIT TRANSCRIPT. RB 06/30/09

06/30/2009 **Converted Event**
NOTICE OF APPEARANCE BY GREGORY F. ZOELLER AND JOBY JERRELLS, DAG, (2) CERTIFICATE OF SERVICE (2) MAIL 6-30-09 LH 7-1-09

07/01/2009 **Converted Event**
2 VOL. APPENDIX (1 GREEN) RELEASED TO DAG JERRELLS LH 7-1-09

07/01/2009 **Card in Box for Release of Transcripts**
****NOTE: CARD IN BOX FOR RELEASE OF TRANS. WHEN IT ARRIVES.

07/10/2009 **Received Document from Trial Court/Agency Clerk**
RECEIVED: FOUR (4) VOLUME TRANSCRIPT, ONE (1) VOLUME SUPPLEMENTAL TRANSCRIPT, ONE (1) VOLUME EXHIBIT & T/C FROM TRIAL COURT CLERK. LH 7-10-09

07/10/2009 **Converted Event**
5 VOL. TRANSCRIPT, 1 VOL. EXHIBIT, T/C RELEASED TO DAG JERRELLS. LH 7-10-09

07/28/2009 **Appellee Brief**
APPELLEE'S BRIEF (9) CERTIFICATE OF SERVICE (9) BY MAIL DATE 07/28/09 JS 07/29/09

07/29/2009 **Documents Returned from Attorney/Party**
5 VOLUME TRANSCRIPT, 1 VOLUME EXHIBIT, T/C & 2 VOLUME APPENDIX (1 GREEN) RETURNED. AS 07/29/09

08/24/2009 **Case Fully Briefed**
FULLY BRIEFED INFORMATION: FILED 03/06/09 F.B. 08/24/09 O.A. NONE AB 08/24/09

08/24/2009 **Transmitted to Court of Appeals**
TRANSMITTED APPEALS *****08/24/09***** AB 08/24/09

11/16/2009 **Opinion Issued**
ISSUED THE ENCLOSED OPINION:

11/16/2009 **Converted Event**

2009 TERM REVERSED AND AFFIRMED-----MAY, J. CRONE, J. AND BROWN, J. CONCUR 18 PAGES KM

11/16/2009 **Converted Event**

***** ABOVE ENTRY MAILED *****

12/16/2009 **Converted Event**

APPELLANT'S PETITION FOR TRANSFER (9) CERTIFICATE OF SERVICE (9) BY MAIL 12/16/09 AS 12/21/09 [A technical issue with this entry was corrected on 07/07/2015]

12/23/2009 **Converted Event**

APPELLEE'S NOTICE IN OPPOSITION TO TRANSFER (6) PROOF OF SERVICE (2) MAIL 12/23/09 MS 12/28/09

12/28/2009 **Converted Event**

*****TRANSMITTED ON TRANSFER 12/28/09***** AB 12/28/09

12/28/2009 **Converted Event**

1 BOX SENT TO STATEHOUSE AD 12/28/09

12/31/2009 **Converted Event**

0001958-98; EMAIL SENT REGARDING TRANSMISSION OF ORDERS, OPINIONS & NOTICES TO ATTORNEY GREGORY FRANCIS ZOELLER

12/31/2009 **Converted Event**

0021016-49; EMAIL SENT REGARDING TRANSMISSION OF ORDERS, OPINIONS & NOTICES TO ATTORNEY MATTHEW JON MCGOVERN [A technical issue with this entry was corrected on 07/07/2015]

12/31/2009 **Converted Event**

0024248-53; EMAIL SENT REGARDING TRANSMISSION OF ORDERS, OPINIONS & NOTICES TO ATTORNEY JOBY DEE JERRELLS KM 1/6/10

01/11/2010 **Converted Event**

0021016-49;EMAIL RESPONSE RECEIVED REGARDING TRANSMISSION OF ORDERS, OPINIONS & NOTICES FROM ATTY MATTHEW MCGOVERN [DOCKET DATE MAY NOT REFLECT DATE RESPONSE RECEIVED. SEE FILE FOR ACTUAL DATE RECEIVED.] [A technical issue with this entry was corrected on 07/07/2015]

01/11/2010 **Converted Event**

0024248-53;EMAIL RESPONSE RECEIVED REGARDING TRANSMISSION OF ORDERS, OPINIONS & NOTICES FROM ATTY JOBY JERRELLS [DOCKET DATE MAY NOT REFLECT DATE RESPONSE RECEIVED. SEE FILE FOR ACTUAL DATE RECEIVED.]

01/21/2010 **Converted Event**

ISSUED THE ENCLOSED ORDER:

01/21/2010 Converted Event

INDIANA EVIDENCE RULE 608 IS ONE OF THE MODEL RULES OF EVIDENCE THAT HAS BEEN ADOPTED BY INDIANA AND OTHER JURISDICTIONS. THE COURT FINDS ADDITIONAL BRIEFING BY THE PARTIES ON APPLICATION OF THE RULE WOULD BE HELPFUL, AND DIRECTS SIMULTANEOUS, SUPPLEMENTAL BRIEFING. NUNLEY'S BRIEF SHALL HAVE AN ORANGE COVER AND BE TITLED "APPELLANT'S SUPPLEMENTAL PETITION TO TRANSFER." THE STATE'S BRIEF SHALL HAVE A YELLOW COVER AND BE TITLED "APPELLEE'S SUPPLEMENTAL RESPONSE." BOTH BRIEFS SHALL BE FILED NO LATER THAN FEBRUARY 12, 2010. NEITHER BRIEF MAY EXCEED 3750 WORDS, EXCLUSIVE OF THE ITEMS LISTED IN APPELLATE RULE 44(C), AND BOTH MUST BE ACCOMPANIED BY THE VERIFIED STATEMENT OF WORD COUNT REFERRED TO IN APPELLATE RULE 44(F). NO REPLY IS PERMITTED. THE PARTIES SHOULD EXPECT NO EXTENSION OF TIME. ONCE THE SUPPLEMENTAL BRIEFS ARE FILED, WE WILL RESUME OUR CONSIDERATION OF THE TRANSFER PETITION AND ISSUE A DECISION OR OTHER ORDERS IN DUE COURSE. RANDALL T. SHEPARD, CHIEF JUSTICE ALL JUSTICES CONCUR. KJ

01/21/2010 Converted Event

APPELLANT'S AND APPELLEE'S SUPPLEMENTAL BRIEFING DUE

01/26/2010 Converted Event

***** ABOVE ENTRY MAILED *****

02/12/2010 Converted Event

APPELLEE'S SUPPLEMENTAL RESPONSE (9) CERTIFICATE OF SERVICE (9) BY MAIL 02/12/10. MC 02/17/10

02/12/2010 Converted Event

APPELLANT'S SUPPLEMENTAL PETITION TO TRANSFER (9) CERTIFICATE OF SERVICE (9) BY MAIL 2-12-10 LH 2-17-10

03/04/2010 Converted Event

THIS MATTER HAS COME BEFORE THE INDIANA SUPREME COURT ON A PETITION TO TRANSFER JURISDICTION FOLLOWING THE ISSUANCE OF A DECISION BY THE COURT OF APPEALS. THE PETITION WAS FILED PURSUANT TO APPELLATE RULE 57. THE COURT HAS REVIEWED THE DECISION OF THE COURT OF APPEALS. ANY RECORD ON APPEAL THAT WAS SUBMITTED HAS BEEN MADE AVAILABLE TO THE COURT FOR REVIEW, ALONG WITH ANY AND ALL BRIEFS THAT MAY HAVE BEEN FILED IN THE COURT OF APPEALS AND ALL THE MATERIALS FILED IN CONNECTION WITH THE REQUEST TO TRANSFER JURISDICTION. EACH PARTICIPATING MEMBER OF THE COURT HAS VOTED ON THE PETITION. EACH PARTICIPATING MEMBER HAS HAD THE OPPORTUNITY TO VOICE THAT JUSTICE'S VIEWS ON THE CASE IN CONFERENCE WITH THE OTHER JUSTICES. BEING DULY ADVISED, THE COURT NOW DENIES THE APPELLANT'S PETITION TO TRANSFER OF JURISDICTION. RANDALL T. SHEPARD, CHIEF JUSTICE ALL JUSTICES CONCUR. KM 3/5/10

03/05/2010 Converted Event

***** ABOVE ENTRY MAILED *****

03/09/2010 Opinion Certified

*****OPINION CERTIFIED***** ED

03/18/2010 Converted Event

*****RECEIPT RETURNED***** AD

05/13/2010 Converted Event

APPELLANT'S PRO SE PETITION FOR COPY OF RECORD (2)JS 05/17/10

05/20/2010 Converted Event

ISSUED THE ENCLOSED ORDER:

05/20/2010 **Converted Event**

AND THE COURT, HAVING EXAMINED SAID PETITION AND BEING DULY ADVISED, NOW FINDS AND ORDERS THAT PERMISSION SHOULD BE GRANTED FOR THE TRANSCRIPT TO BE WITHDRAWN BY THE OFFICE OF THE PUBLIC DEFENDER OF INDIANA OR BY ONE OF HER DEPUTIES WHO IS LICENSED TO PRACTICE LAW IN THE STATE OF INDIANA FOR A PERIOD OF NINETY (90) DAYS, FOR THE PURPOSE OF COPYING THE SAME. AFTER THE RECORD HAS BEEN COPIED, THE PUBLIC DEFENDER MAY THEN CAUSE THE COPY TO BE TRANSMITTED TO THE APPELLANT BY THE PUBLIC DEFENDER FOR EXAMINATION BY THE APPELLANT AT WABASH VALLEY CORR. FAC., P.O. BOX 1111, CARLISLE, INDIANA 47838, PROVIDED HOWEVER, THAT IF THE PUBLIC DEFENDER HAS AGREED TO SERVE AS COUNSEL FOR THE APPELLANT AND THE APPELLANT WISHES TO CONTINUE TO BE REPRESENTED BY THE PUBLIC DEFENDER, THEN THE APPELLANT IS NOT ENTITLED TO A COPY OF THE RECORD OF PROCEEDINGS AT PUBLIC EXPENSE AND THE PUBLIC DEFENDER IS RELIEVED OF THE OBLIGATION TO MAKE A COPY OF THE RECORD, ANY CONTRARY LANGUAGE IN THIS ORDER NOTWITHSTANDING. JOHN G. BAKER, CHIEF JUDGE KJ 5/24/10

05/24/2010 **Converted Event**

0003127-49; EMAIL ADDRESS PREVIOUSLY CONFIRMED FOR ATTORNEY SUSAN KAREN CARPENTER

05/24/2010 **Converted Event**

***** ABOVE ENTRY MAILED *****

05/24/2010 **Converted Event**

0024248-53; EMAIL ADDRESS PREVIOUSLY CONFIRMED FOR ATTORNEY JOBY DEE JERRELLS

06/02/2010 **Converted Event**

CASE BUNDLE RELEASED TO STATE PD PER COPYLIST KLM

06/21/2010 **Case Closed**

**** CASE CLOSED ****

06/21/2010 **Converted Event**

CASE BUNDLE RETURNED KLM

07/01/2010 **Converted Event**

APPELLANT'S PRO SE MOTION FOR COPY OF RECORD (2) ENTERED ON 07/07/10 MS

07/08/2010 **Converted Event**

ISSUED THE ENCLOSED ORDER:

07/08/2010 **Order Issued**

HAVING REVIEWED THE MATTER, THE COURT FINDS AND ORDERS AS FOLLOWS: 1. ON MAY 20, 2010, THIS COURT ISSUED AN ORDER GRANTING THE APPELLANT'S PRO SE PETITION FOR COPY OF RECORD GIVING PERMISSION FOR THE TRANSCRIPT TO BE WITHDRAWN BY THE OFFICE OF THE PUBLIC DEFENDER OF INDIANA OR BY ONE OF HER DEPUTIES FOR A PERIOD OF NINETY (90) DAYS, FOR THE PURPOSE OF COPYING THE SAME. 2. ON JUNE 2, 2010, THE RECORD IN THIS CASE WAS RELEASED TO THE STATE PUBLIC DEFENDER'S OFFICE FOR COPYING AND THEREFORE, THE APPELLANT SHOULD BE RECEIVING SAID COPY WITHIN NINETY (90) DAYS FROM SAID DATE. THEREFORE, THE APPELLANT'S VERIFIED PETITION FOR COPY OF RECORD ON APPEAL IS DENIED. JOHN G. BAKER, CHIEF JUDGE (ORDER REC'D 07/12/10 AT 3 P.M.) ENTERED ON 07/12/10 KJ

07/12/2010 **Converted Event**

***** ABOVE ENTRY MAILED *****

09/10/2012 **Converted Event**

5 VOL. TRANSCRIPT, 1 VOL. EXHIBIT, T/C & 2 VOL. APPENDIX RELEASED TO STATE PD PER CASE POOL KLM

01/10/2013 Converted Event

VERIFIED NOTICE THAT THE RECORD WAS TRANSFERRED TO STATE PD SAUER KLM

03/20/2013 Converted Event

FILE FOLDER PLACED IN TRAY FOR STATE PD CLERKS KLM

03/27/2013 Converted Event

FILE FOLDER RETURNED

07/11/2013 Documents Returned from Attorney/Party

5 VOLUME TRANSCRIPT, 1 VOLUME EXHIBIT, T/C & 2 VOLUME APPENDIX RETURNED. KLM

03/17/2016 Motion to Withdraw Record of Proceedings

Requester: Claypool, Joseph Lee

File Stamp: 03/14/2016

03/18/2016 Order Granting Motion to Withdraw Record

Having reviewed the matter, the Court finds and orders as follows: 1. The Petition for Record of Proceedings is granted, and the Clerk of this Court is authorized to send the Record on Appeal to Judge Joseph L. Claypool. 2. At the conclusion of the post-conviction proceedings, Judge Claypool is directed to return the original Record, intact, to the Office of the Clerk of the Court of Appeals of Indiana. Even if admitted as an exhibit in postconviction proceedings, the Record shall be maintained intact. 3. In the event the Record is admitted as an exhibit in post-conviction proceedings and an appeal is then taken from the post-conviction judgment, the Court grants leave for the Clerk of this Court to transfer the Record to the post-conviction appeal for use as a separately filed exhibit in that appeal. Once the post-conviction appeal decision is certified as final, the Record shall return to the custodial care of the Clerk for handling consistent with usual practice.

Judicial Officer: Vaidik, Nancy H.

Party: Claypool, Joseph Lee

Serve: Zoeller, Gregory F

Serve: McGovern, Matthew Jon

Serve: Claypool, Joseph Lee

File Stamp: 03/18/2016

03/18/2016 Document Transmitted**03/24/2016 Record Released**

to Judge Claypool per order via ups # 1ZF386940394348268: Volumes of Transcripts 5 Volumes of Exhibits 1 Volumes of T/C 1 Volumes of Appendices 2 Briefs 1 set

Release Date: 03/24/2016

08/17/2017 Order Filed by Instruction of Court

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Motion to Transfer Record from Previous Appeal into this Cause is granted. 2. No later than ten (10) days from the date of this order, the Harrison Circuit and Superior Courts Clerk is directed to transmit the direct appeal record from Appellate Cause Number 31A01-0902-CR-88, which was entered into the record for Cause Number 31D01-1009- PC-11, to the Clerk of this Court. 3. Within five (5) days of receiving the record, the Clerk of this Court is directed to transfer the record of proceedings from Cause Number 31A01-0902-CR-88 to this cause to be included as part of the record for this appeal. 4. The Clerk of this Court is further directed to file a copy of this order under Cause Numbers 31A01-0902-CR-88 and 31A01-1703-PC- 547. 5. The Clerk of this Court is directed to send a copy of this order to the parties and the Harrison Circuit and Superior Courts Clerk.

Judicial Officer: Vaidik, Nancy H.

File Stamp: 08/16/2017

08/21/2017 **Record Returned**

Volumes of Transcripts 5 Volumes of Exhibits 1 Volumes of T/C 1 Volumes of Appendices 2 Briefs 1 set

Return Date: 08/21/2017

08/21/2017 **Note**

Five (5) volume Transcript, One (1) volume Exhibit, One (1) Table of Contents, Two (2) volume Appendix and set of briefs transferred to 31A01-1703-PC-547 as a separately filed exhibit.

08/15/2018 **Note**

5 vol. Trans., 1 vol. Exhibit, T/C, 2 vol. Appendix & briefs returned to this case.

03/13/2019 **Record Released**

to DAG Drum: Volumes of Transcripts 5 Volumes of Exhibits 1 Volumes of T/C 1 Volumes of Appendices 2 Briefs 3 File Folders 1

Release Date: 03/12/2019

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