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LAWRENCE NUNLEY v. State of Indiana

Case Number	31A01-1703-PC-00547
Court	Court of Appeals
Type	PC - Post-Conviction (Non-Capital) Appeals
Filed	03/13/2017
Status	09/13/2018 , Closed
Reference	Original County Cause Number 31D011009PC11

Parties to the Case

Appellant NUNLEY, LAWRENCE

Address

#198710
Wabash Valley Correctional Facility
P.O. Box 1111
Carlisle, IN 47838

Attorney

Pro Se

Appellee State of Indiana

Attorney

Curtis Theophilus Hill
#1399920, Lead, Retained

Indiana Attorney General
302 West Washington Street
IGCS-5th Floor
Indianapolis, IN 46204
317-232-6201(W)

Attorney

Ian Alexander Thomas McLean
#1444354, Retained

Attorney General's Office
302 W. Washington St., ICGS, 5th Floor
Indianapolis, IN 46204
317-233-2041(W)

Chronological Case Summary

03/17/2017 **Notice of Appeal Filed**

Certificate of Service-Mailed 03/15/17

Attorney: NUNLEY, LAWRENCE

Party: NUNLEY, LAWRENCE

File Stamp: 03/13/2017

[<pageID>](#)03/17/2017 **Affidavit**

of Appellant Declaring that the Trial Court Permitted Him to Proceed In Forma Pauperis But Did not Make A Specific Declaration of Such for the Record Certificate of Service-Mailed 03/15/17

Party: NUNLEY, LAWRENCE
File Stamp: 03/13/2017

03/21/2017 **Order Issued**

Having reviewed the matter, the Court finds and orders as follows: 1. Pursuant to Indiana Appellate Rule 40, Affidavit of Appellant Declaring that the Trial Court Permitted Him to Proceed in forma pauperis but did not make a Specific Declaration of Such for the Record is Granted. 2. Appellant is hereby relieved of the obligation to pay the appellate filing fee.

Judicial Officer: Vaidik, Nancy H.
Serve: NUNLEY, LAWRENCE
Serve: Hill, Curtis Theophilus
File Stamp: 03/21/2017

03/21/2017 **Document Transmitted**04/11/2017 **Notice of Completion of Clerk's Record**

Transcript Not Yet Completed Certificate of Service-Mailed 04/05/2017

File Stamp: 04/06/2017

04/20/2017 **Received Document**

Receive Date: 04/20/17 Copy of trial court's correspondence to Nunley.

PostmarkDate: 04/18/2017

04/21/2017 **Motion to Compel**

Motion to Compel Trial Court Clerk to Supply a Copy of the Complete Clerk's Record Certificate of Service-Mailed 04/12/17

Attorney: NUNLEY, LAWRENCE
Party: NUNLEY, LAWRENCE
File Stamp: 04/12/2017

04/24/2017 **Order Denying Motion to Compel**

Having reviewed the matter, the Court finds and orders as follows: Appellant's Motion to Compel Trial Court Clerk to Supply a Copy of the Complete Clerk's Record is denied as moot.

Judicial Officer: Vaidik, Nancy H.
Party: NUNLEY, LAWRENCE
Serve: NUNLEY, LAWRENCE
Serve: Hill, Curtis Theophilus
File Stamp: 04/24/2017

05/19/2017 **Retransmission of Order**

Resent order issued on 04/24/17.

Judicial Officer: Vaidik, Nancy H.
Serve: NUNLEY, LAWRENCE
Serve: Hill, Curtis Theophilus
Serve: Trial Clerk 31 - Harrison
File Stamp: 04/24/2017

05/19/2017 **Document Transmitted**

05/19/2017 **Document Transmitted**

06/21/2017 **Motion to Compel Court Reporter to Prepare Transcript**

Certificate of Service-Mailed 06/15/17

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 06/15/2017

06/27/2017 **Order Granting Motion to Compel Transcript**

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Motion to Compel Completion of Transcripts is granted. 2. Within ten (10) days of the date of this order, the court reporter for Lower Cause Number 31D01-1009-PC-11 is ordered to complete and file the transcript with the Harrison Circuit and Superior Courts Clerk. 3. Within five (5) days of the date that the court reporter files the transcript, the Harrison Circuit and Superior Courts Clerk is directed to file a Notice of Completion of Transcript with the Clerk of this Court and to serve a copy of the Notice on the parties. 4. The Clerk of this Court is directed to send this order to the parties, the court reporter for Lower Cause Number 31D01-1009-PC-11, Judge Joseph Claypool of the Harrison Superior Court, and the Harrison Circuit and Superior Courts Clerk. 5. The Harrison Circuit and Superior Courts Clerk is directed to file a copy of this order under Lower Cause Number 31D01-1009-PC-11, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Judicial Officer: Vaidik, Nancy H.
 Party: NUNLEY, LAWRENCE
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Court Reporter 31D01
 Serve: Claypool, Joseph Lee
 File Stamp: 06/26/2017

06/27/2017 **Document Transmitted**

07/24/2017 **Received Court Reporter's Notice of Filing of Transcript**

Received on: 07/21/17

PostmarkDate: 07/21/2017

07/25/2017 **Electronic Documents Received from Trial Court Clerk.**

Table of Contents

Transcript

Volumes of Transcripts - One (1) Volumes of T/C - One (1) Received Electronically 07/21/17

Postmark: 07/21/2017

07/28/2017 **Received Document**

Receive Date: 07/20/17 Second Motion to Compel Completion of Transcripts **transcripts were received 07/21/17**

PostmarkDate: 07/19/2017

07/28/2017 **Corrected Entry**

Entry for Second Motion to Compel received 07/20/17 should indicate that motion was filed. No Notice of Completion of Transcript has been filed yet.

07/28/2017 **Motion to Compel Court Reporter to Prepare Transcript**

Certificate of Service-Mailed 07/19/17

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 07/19/2017

08/01/2017 **Notice of Completion of Transcript**

Certificate of Service-Mailed 07/24/2017

File Stamp: 07/24/2017

08/01/2017 **Received Court Reporter's Notice of Filing of Transcript**

Received on: 07/26/2017

PostmarkDate: 08/24/2017

08/03/2017 **Order Granting Motion to Compel Transcript**

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Second Motion to Compel Completion of Transcripts is granted in part. 2. Within fifteen (15) days of the date of this order, the Harrison Circuit and Superior Courts Clerk is ordered to provide Appellant with a free copy of the Transcript from Cause Number 31D01-1009-PC-11. See Ind. Post-Conviction Rule 1(9)(b). 3. Appellant's Brief and Appendix shall be filed within forty-five (45) days of the date of this order. 4. The Clerk of this Court is directed to send this order to the parties, the Court Reporter for Cause Number 31D01-1009-PC-11, Judge Joseph Claypool of the Harrison Superior Court, and the Harrison Circuit and Superior Courts Clerk. 5. The Harrison Circuit and Superior Courts Clerk is directed to file a copy of this order under Cause Number 31D01-1009-PC-11, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders.

Judicial Officer: Vaidik, Nancy H.
 Party: NUNLEY, LAWRENCE
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Court Reporter 31D01
 Serve: Claypool, Joseph Lee
 File Stamp: 08/03/2017

08/04/2017 **Document Transmitted**08/08/2017 **Motion to Compel**

(Motion to Order Court Clerk to Supply Copy of Transcripts) Certificate of Service-Mailed 07/27/17

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 07/28/2017

08/08/2017 **Received Document**

Receive Date: 08/07/17 Courtesy copy from trial court indicating transcripts were sent to Appellant

PostmarkDate: 08/04/2017

08/11/2017 Order Issued

Having reviewed the matter, the Court finds and orders as follows: Because the transcripts have been sent to Appellant, Appellant's Motion to Order Court Clerk to Supply Copy of Transcripts is denied as moot.

Judicial Officer: Vaidik, Nancy H.
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Court Reporter 31D01
 File Stamp: 08/11/2017

08/11/2017 Document Transmitted**08/14/2017 Document Filed**

Motion to Transfer Record Certificate of Service-Mailed 08/10/17

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 08/10/2017

08/14/2017 Received Document

Receive Date: 08/10/17 Moiton for Extension of Time to File Brief

PostmarkDate: 08/10/2017

08/14/2017 Note

Motion was received due to lack of signature at conclusion and certificate of service

08/14/2017 Notice of Defect Issued

Motion for Extension of Time to File Brief

Party: NUNLEY, LAWRENCE
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Filing Date: 08/14/2017

08/14/2017 Document Transmitted**08/17/2017 Order Issued**

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.
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 File Stamp: 08/16/2017

08/17/2017 Document Transmitted

08/21/2017

Note

Prior Case - Appellant's Appendix vol 1
 Prior Case - Appellant's Brief
 Prior Case - Appellant's Petition to Transfer
 Prior Case - Appellant's Supplemental Petition to Transfer
 Prior Case - Appellee's Supplemental Response
 Prior Case - Appellee's Brief
 Prior Case - Exhibits vol 1
 Prior Case - Table of Contents
 Prior Case - Supplemental Transcript
 Prior Case - Transcript vol 1
 Prior Case - Transcript vol 2
 Prior Case - Transcript vol 3
 Prior Case - Transcript vol 4

Five (5) volume Transcript, One (1) volume Exhibit, One (1) Table of Contents, Two (2) volume Appendix and set of briefs from 31A01-0902-CR-88 transferred to this appeal as a separately filed exhibit.

09/12/2017

Motion for Extension of Time to File Brief

Certificate of Service-Mailed 09/05/2017

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 09/06/2017

09/13/2017

Order Granting Motion for Extension of Time

Having reviewed the matter, the Court finds and orders as follows: 1. Appellant's Motion for an Extension of Time is granted. 2. Appellant's brief and Appendix shall be due on or before October 18, 2017.

Judicial Officer: Vaidik, Nancy H.
 Party: NUNLEY, LAWRENCE
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 File Stamp: 09/13/2017

09/13/2017

Document Transmitted

10/20/2017

Appearance by Deputy AG

Certificate of Service-Mailed 10/20/17

DAG: McLean, Ian Alexander Thomas
 Party: State of Indiana
 File Stamp: 10/20/2017

10/23/2017

Documents Released to Attorney/Party

Transcript/TC

Party: State of Indiana
 Serve: McLean, Ian Alexander Thomas
 Release Date: 10/23/2017

10/23/2017

Document Transmitted

10/24/2017 Brief and Appendix - Appellant

Brief - Appellant

Appendix - Appellant vol 1

Appendix - Appellant vol 2

Appendix - Appellant vol 3

Volumes of Appendix: three (3) Certificate of Service-Mailed 10/16/17

Attorney: NUNLEY, LAWRENCE

Party: NUNLEY, LAWRENCE

File Stamp: 10/16/2017

10/24/2017 Documents Released to Attorney/Party

Volumes of Appendices three (3)

Party/Atty: McLean, Ian Alexander Thomas

11/16/2017 Documents Released to Attorney/Party

Separately-filed exhibit: 5 vol transcript, 1 vol. exhibit, 1 T/C, 2 vol. Appendix, set of briefs

Party/Atty: McLean, Ian Alexander Thomas

11/27/2017 Brief - Appellee

Certificate of Service-Mailed 11/20/17

Attorney: McLean, Ian Alexander Thomas

Party: State of Indiana

File Stamp: 11/20/2017

12/11/2017 Documents Returned from Attorney/Party

Volumes of Appendices 3

Party/Atty: McLean, Ian Alexander Thomas

12/11/2017 Documents Returned from Attorney/Party

Separately-filed exhibit: 5 vol transcript, 1 vol. exhibit, 1 T/C, 2 vol. Appendix, set of briefs

Party/Atty: McLean, Ian Alexander Thomas

12/28/2017 Case Fully Briefed

Oral Argument Requested: No

FB Date: 12/28/2017

12/28/2017 Transmitted to Court of Appeals**01/12/2018 Motion for Permission to File a Belated Brief**

Certificate of Service-Mailed 12/27/17

Attorney: NUNLEY, LAWRENCE

Party: NUNLEY, LAWRENCE

File Stamp: 12/28/2017

01/12/2018 Received Document

Receive Date: 01/03/18 Reply Brief -- pending ruling on motion to file belated brief

PostmarkDate: 12/28/2017

05/02/2018 **Order Issued**

Having reviewed the matter, the Court finds and orders as follows: Appellant's Motion to Accept Belated Brief is granted. The Clerk of this Court is directed to file Appellant's reply brief as of the date of this order. All panel members concur.

Judicial Officer: Vaidik, Nancy H.
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: McLean, Ian Alexander Thomas
 File Stamp: 05/02/2018

05/02/2018 **Document Transmitted**05/03/2018 **Brief - Appellant Reply**

Certificate of Service-Mailed 12/27/17

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 05/02/2018

05/11/2018 **Received Document**

Receive Date: 04/30/18 correspondence from pro se appellant

PostmarkDate: 04/26/2018

05/14/2018 **Letter Issued**

in response to appellant's correspondence

Serve: NUNLEY, LAWRENCE
 Date Sent: 05/14/2018

05/14/2018 **Document Transmitted**05/23/2018 **Opinion Issued**

MEMORANDUM DECISION Affirmed. - Mathias, J. Najam, J., and Barnes, J., concur.

Judicial Officer: Mathias, Paul D.
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Claypool, Joseph Lee
 Serve: McLean, Ian Alexander Thomas
 File Stamp: 05/23/2018

05/23/2018 **Document Transmitted**06/13/2018 **Notice of Additional Authority**

Certificate of Service-Mailed 05/23/18

Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 05/23/2018

07/11/2018 **Opinion Certified**

Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Claypool, Joseph Lee
 Serve: McLean, Ian Alexander Thomas
 Notice Date: 07/11/2018

07/11/2018 **Document Transmitted**

07/11/2018 **Petition to Transfer**

Certificate of Service-Mailed 06/18/18
 Attorney: NUNLEY, LAWRENCE
 Party: NUNLEY, LAWRENCE
 File Stamp: 06/18/2018

07/13/2018 **Notice in Opposition to Transfer/Review**

Certificate of Service-Mailed 07/11/18
 Attorney: McLean, Ian Alexander Thomas
 Party: State of Indiana
 Filing Stamp: 07/11/2013

07/13/2018 **Notice in Opposition to Transfer/Review**

Certificate of Service-Mailed 07/11/18
 Attorney: McLean, Ian Alexander Thomas
 Party: State of Indiana
 Filing Stamp: 07/11/2013

07/16/2018 **Corrected Entry**

Second entry for Notice In Opposition to Transfer entered in error.

07/16/2018 **Transmitted on Transfer (Supreme Court)**

08/09/2018 **Order Denying Petition to Transfer**

Appellant's petition to transfer denied. All Justices concur.
 Judicial Officer: Rush, Loretta H.
 Party: NUNLEY, LAWRENCE
 Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Claypool, Joseph Lee
 Serve: McLean, Ian Alexander Thomas
 Serve: Court of Appeals Administrator
 File Stamp: 08/09/2018

08/09/2018 **Document Transmitted**

<pageID>

08/14/2018 **Opinion Certified**

Serve: NUNLEY, LAWRENCE
 Serve: Hill, Curtis Theophilus
 Serve: Trial Clerk 31 - Harrison
 Serve: Claypool, Joseph Lee
 Serve: McLean, Ian Alexander Thomas
 Notice Date: 08/14/2018

08/14/2018 **Document Transmitted**

08/15/2018 **Note**

5 vol. Trans., 1 vol. Exhibit, T/C, 2 vol. Appendix & briefs from 31A01-0902-CR-88 returned to original case.

02/12/2019 **Record Released**

to DAG Drum: Volumes of Appendices 3 Briefs 3 File Folders 1
 Release Date: 02/11/2019

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued - if applicable - since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

NUNLEY, LAWRENCE

Appellant

Balance Due (as of 04/02/2019)

0.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	0.00	0.00	0.00

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