

**VERIFIED MOTION TO TRANSMIT RECORD OF
PROCEEDINGS ON APPEAL**

Appellant [name], by counsel, respectfully moves this Court to transmit the record of proceedings from [cause A] to this cause number, [cause B] , and in support states as follows:

1. On March 27, 2003, [name] was convicted by a jury of four counts of felony murder, two counts of conspiracy to commit robbery as Class A felonies, and two counts of robbery as Class A felonies.

2. On April 25, 2003, at [name]'s sentencing hearing, the trial court vacated the two A felony robbery convictions on double jeopardy grounds and sentenced [name] to an aggregate sentence of 75 years on the remaining counts.

3. On May 6, 2004, this Court issued a memorandum decision affirming [name]'s convictions. slip op. (Ind. Ct. App. May 6, 2004).

4. On August 8, 2016, the trial court issued its Findings of Fact and Conclusions of Law denying [name]'s petition for post-conviction relief.

5. On February 17, 2017, this Court issued a memorandum decision reversing the trial court's post-conviction finding that [name] had not received ineffective assistance of appellate counsel, reduced his A felony conspiracy convictions to B felonies, and remanded the case for resentencing. , slip op. at 14-20.

6. On July 28, 2017, the trial court held a new sentencing hearing and resentenced [name] to an aggregate sentence of 65 years.

7. At that hearing, the State, the Defense, and the trial court all referenced

the original 2003 sentencing proceeding.

8. Specifically, the parties discussed the original trial court's sentencing statement, including what it had found to be aggravating and mitigation factors.

9. However, that record was not admitted as an exhibit or physically incorporated with the record from the resentencing.

10. [name] believes that because of the parties' discussion of his original sentencing proceedings at his resentencing hearing, that record is necessary to this disposition of the instant appeal.

11. The docket for [name]'s post-conviction appeal, Cause No. , indicates that while the record for [name]'s original case, , had been transmitted into the post-conviction case, it has since been returned to the original case.

Wherefore, [name] respectfully requests that the trial transcript, the appendix, the table of contents, and the exhibit volume in be transmitted to the appeal in , that undersigned counsel be permitted to check-out that record and file it with the Appellant's Brief in this case, and for all other just and proper relief.

Respectfully submitted,

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Attorney for Appellant

VERIFICATION

I affirm, under the penalties for perjury, that the foregoing information is true and correct to the best of my knowledge and belief.