

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE

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ATTORNEYS FOR APPELLEE

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IN THE COURT OF APPEALS OF INDIANA

Steven Ingalls, Jr.,
Appellant-Plaintiff,

v.

Morgan Circuit Court,
Appellee-Defendant

June 14, 2021

Court of Appeals Case No.
20A-MI-2400

Appeal from the Morgan Superior
Court

The Honorable Peter R. Foley,
Judge

Trial Court Cause No.
55D01-2008-MI-1179

Crone, Judge.

- [1] Steven Ingalls, Jr., pro se, appeals the trial court's order granting the Morgan Circuit Court's (MCC) motion to dismiss his complaint. Because Ingalls'

argument consists of one sentence, we conclude that he has waived any claim of error by failing to present cogent argument. Therefore, we affirm.

[2] In June 2018, in the MCC, a jury found Ingalls guilty of conspiracy to commit murder, neglect of a dependent resulting in death, and neglect of a dependent resulting in serious bodily injury (Criminal Case), and he was sentenced to thirty-nine years' imprisonment. His direct appeal was affirmed by the Court of Appeals, and his petition to transfer to the Indiana Supreme Court was denied. Ingalls filed four post-judgment requests in his Criminal Case, demanding that the MCC provide him with an audio recording of his criminal trial, which the MCC denied. Ingalls did not appeal the denial of any of his post-judgment requests.

[3] In March 2020, Ingalls filed a petition for post-conviction relief (PC Case). Ingalls filed a motion to compel the MCC to produce an audio recording of his criminal trial pursuant to the Indiana Access to Public Records Act (APRA). In April 2020, the post-conviction court denied his motion to compel. The PC Case remains pending.

[4] On August 3, 2020, Ingalls filed the underlying complaint against the MCC seeking production of a copy of the audio recording of his criminal trial pursuant to the APRA. In September 2020, the MCC filed a motion to dismiss his complaint pursuant to Indiana Trial Rule 12. Following a hearing, on November 23, 2020, the trial court entered an order dismissing Ingalls'

complaint, concluding that the claim had been decided in the PC Case and thus was barred based on the claim preclusion branch of res judicata.

[5] Ingalls appeals pro se. It is well settled that pro se litigants are held to the same legal standards as licensed attorneys. *Twin Lakes Reg'l Sewer Dist. v. Teumer*, 992 N.E.2d 744, 747 (Ind. Ct. App. 2013). This means that pro se litigants are bound to follow the established rules of procedure and must be prepared to accept the consequences of their failure to do so. *Shepherd v. Truex*, 819 N.E.2d 457, 463 (Ind. Ct. App. 2004). These consequences include waiver for failure to present cogent argument on appeal. *Id.*; see also *Perry v. Anonymous Physician 1*, 25 N.E.3d 103, 105 n.1 (Ind. Ct. App. 2014) (explaining that we will not become an “advocate for a party, or address arguments that are inappropriate or too poorly developed or expressed to be understood.”), *trans. denied* (2015), *cert. denied* (2015).

[6] Here, Ingalls’ one-sentence argument fails to comply with Indiana Appellate Rule 46(A)(8)(a), which requires that the contentions in an appellant’s brief be supported by cogent reasoning and citations to authorities, statutes, and the appendix or parts of the record on appeal. Due to the absence of cogent reasoning, Ingalls has waived any claim of error. See *Shepherd*, 819 N.E.2d at 463 (concluding pro se appellant waived claim by failing to present cogent argument). As such, we affirm the order dismissing his complaint.

[7] Affirmed.

Riley, J., and Mathias, J., concur.