

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.



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IN THE COURT OF APPEALS OF INDIANA

Bernard Arnez Dillon,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

November 8, 2021

Court of Appeals Case No.
21A-PC-586

Appeal from the
Lake Superior Court

The Honorable
Natalie Bokota, Judge

The Honorable
Kathleen A. Sullivan, Magistrate

Trial Court Cause No.
45G02-1911-PC-22

Vaidik, Judge.

- [1] In 2017, Bernard Arnez Dillon pled guilty to Level 1 felony neglect of a dependent resulting in death under a written plea agreement that provided he would be sentenced to “forty (40) years in the Department of Correction with five (5) years suspended and served on Probation.” Appellant’s App. Vol. II p. 17. The trial court imposed the sentence called for by the agreement. *Id.* at 36 (Abstract of Judgment); Ex. p. 16 (trial court explaining it was sentencing Dillon according “to the terms of the plea agreement”).
- [2] In 2019, Dillon sought post-conviction relief, arguing he agreed to a sentence of **thirty** years with five years suspended, not **forty** years with five years suspended. In support, he noted there are transcripts of the guilty-plea and sentencing hearings that say thirty years. However, the post-conviction court listened to audio recordings of both hearings (Respondent’s Ex. 1) and confirmed the recordings say forty years. *See* Appellant’s App. Vol. II p. 13. In other words, the transcripts contained scrivener’s errors.¹ On appeal, Dillon repeats his argument but doesn’t acknowledge the post-conviction court’s finding that the audio recordings say forty years. Accordingly, we affirm the post-conviction court’s denial of relief.
- [3] May, J., and Molter, J., concur.

¹ A corrected guilty-plea transcript was prepared in September 2020. *See* Ex. p. 6. As far as we know, no corrected sentencing transcript was prepared.