MEMORANDUM DECISION

APPELLANT PRO SE

Jack W. Reynolds
New Castle Correctional Facility
New Castle, Indiana

ATTORNEYS FOR APPELLEE

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IN THE
COURT OF APPEALS OF INDIANA

Jack W. Reynolds,
Appellant-Petitioner,

v.

State of Indiana,
Appellee-Respondent

July 14, 2021

Court of Appeals Case No. 21A-PC-266

Appeal from the Marion Superior Court

The Honorable James Snyder, Magistrate

Trial Court Cause No. 49G02-0009-PC-161509

Crone, Judge.

[1] Jack W. Reynolds, pro se, appeals the post-conviction court's reduction of his sentence without an evidentiary hearing. We affirm.

[2] In 2001, Reynolds was convicted and sentenced to sixty years for class A felony burglary (thirty years plus thirty years for a habitual offender enhancement), thirty years for class A felony criminal deviate conduct, thirty years for class B felony attempted robbery, and eight years for each of two counts of class C felony criminal confinement. The sentences were ordered to be served concurrently. Reynolds filed a successive petition for post-conviction relief, alleging that his sentence for attempted robbery is erroneous on its face. *See* Ind. Code § 35-50-2-5 (2001) (providing that sentencing range for class B felony is six to twenty years, with presumptive term of ten years). Reynolds raised no other challenge in his petition. In October 2019, this Court granted Reynolds permission to file his petition with the post-conviction court. The State filed a notice of no objection to granting Reynolds's petition, acknowledging that Reynolds's allegation is correct and requesting the court to issue an amended abstract of judgment with a twenty-year sentence for attempted robbery.

[3] On January 26, 2021, the post-conviction court issued an order finding that the thirty-year sentence for attempted robbery is erroneous on its face, that a reduction of that sentence would not affect his aggregate sentence, and that because thirty years was the presumptive sentence for a class A felony, it would be "appropriate to now impose a ten-year sentence" for the class B felony attempted robbery conviction. Appellant's App. Vol. 2 at 30. The court also vacated an evidentiary hearing scheduled for that date.

[4] Reynolds now appeals, arguing that he is entitled by statute to an evidentiary hearing that would "allow him to present mitigating evidence that may have

changed his sentencing outcome." Appellant's Br. at 8. We decline to address the merits of Reynolds's argument because, as our supreme court has explained, "[t]he law does not require the doing of a useless thing[.]" *Stropes by Taylor v. Heritage House Childrens Ctr. of Shelbyville, Inc.*, 547 N.E.2d 244, 247 (Ind. 1989). Reynolds has long since served the ten years of his revised sentence for his class B felony attempted robbery conviction, and he is still serving his sixty-year sentence for his class A felony burglary conviction. Holding an evidentiary hearing would be a useless thing, regardless of whether Reynolds is entitled to one, so therefore we affirm the post-conviction court.

[5] Affirmed.

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