MEMORANDUM DECISION

APPELLANT PRO SE

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IN THE COURT OF APPEALS OF INDIANA

Jermaine D'Shann Dodd,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

February 15, 2022

Court of Appeals Case No. 21A-CR-739

Appeal from the Lake Superior Court

The Honorable Mark Watson, Magistrate

The Honorable Natalie Bokota, Judge

Trial Court Cause No. 45G02-9811-CF-211

Mathias, Judge.

[1] Jermaine D'Shann Dodd appeals the Lake Superior Court's denial of his motion to correct sentence. Concluding that the trial court did not abuse its discretion, we affirm the court's decision.

Facts and Procedural History

[2] Dodd was convicted of felony murder in June 2001 after committing "what was essentially a 'drive by' killing."[1] Appellant's App. p. 4. The trial court sentenced him to sixty years in the Department of Correction, and the court's sentencing order concluded, "Cause disposed." *Id.* at 5, 6. On February 17, 2021, nearly twenty years after the imposition of his orginal sentence, Dodd filed a motion to correct sentence under Indiana Code section 35-38-1-15. His motion asserted that the the trial court's use of the phrase "Cause disposed" in the sentencing order renders his sixty-year sentence void. The trial court denied the motion. *Id.* at 16. Dodd now appeals.

Discussion and Decision

[3] Dodd insists that the trial court's use of the phrase "Cause disposed" signifies that the court impermissibly discarded his court records. As a result, he argues, his sixty-year prison sentence, which he has been serving since 2001, is erroneous on its face and therefore void. We note that Dodd appears pro se in this appeal. It is well settled that pro se litigants are not afforded any inherent

[1] A panel of this court affirmed Dodd's conviction on direct appeal. *See Dodd v. State*, No. 45A03-0802-CR-87, 2008 WL 4491448 at *1 (Ind. Ct. App. Oct. 8, 2008).

leniency simply by virtue of being self-represented. *Willet v. State*, 151 N.E.3d 1274, 1277 (Ind. Ct. App. 2020)

[4] We review the denial of a motion to correct sentence for an abuse of discretion. *Woodcox v. State*, 30 N.E.3d 748, 750 (Ind. Ct. App. 2015). A trial court abuses its discretion if the court's decision is against the logic and effect of the facts and circumstances before it. *Id.* While we defer to the trial court's factual determinations, we review legal conclusions de novo. *Id.*

[5] Dodd has not demonstrated that the trial court abused its discretion in denying his motion. A motion to correct sentence under Indiana Code section 35-38-1-15 is appropriate only for "sentencing errors that are clear from the face of the judgment imposing the sentence in light of the statutory authority." *Id.* (quoting *Robinson v. State*, 805 N.E.2d 783, 787 (Ind. 2004)). "Sentencing claims that are not facially apparent may be raised only on direct appeal and, where appropriate, by post-conviction proceedings." *Davis v. State*, 978 N.E.2d 470, 472 (Ind. Ct. App. 2012) (citing *Robinson*, 805 N.E.2d at 787). A motion to correct sentence may not be used to present claims that require resorting to the record outside the sentencing judgment. *Id.* at 787 n.1. "Claims that require consideration of the proceedings before, during, or after trial may not be presented by way of a motion to correct sentence." *Id.* at 787. Thus, use of a motion to correct sentence under section 35-38-1-15 should be "narrowly confined to claims apparent from the face of the sentencing judgment, and the 'facially erroneous' prerequisite should [] be strictly applied." *Id.*

[6] Dodd has not identified a facially apparent sentencing error here. While he focuses on the phrase "Cause disposed," which appears on the face of the trial court's sentencing order, he does not argue that that phrase in and of itself indicates a facially apparent error. Rather, he suggests the trial court's use of that phrase evinces the court's alleged impermissible destruction of court records. This unsupported allegation invites us to speculate over matters outside of the sentencing order, which we will not do. Dodd has not indicated a facially apparent sentencing error, and our review of the trial court's sentencing order reveals that it contains no such error.

Conclusion

[7] For all of these reasons, we affirm the trial court's denial of Dodd's motion to correct sentence.

[8] Affirmed.

Bailey, J., and Altice, J., concur.