

## 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

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Curtis Lamont Jackson,  
*Appellant-Defendant,*

v.

State of Indiana,  
*Appellee-Plaintiff.*

October 6, 2022

Court of Appeals Case No.  
22A-CR-799

Appeal from the Vanderburgh  
Circuit Court

The Honorable Ryan C. Reed,  
Magistrate

Trial Court Cause No.  
82C01-9811-CF-1122

**Mathias, Judge.**

- [1] Curtis Lamont Jackson appeals pro se the Vanderburgh Circuit Court's denial of his verified petition for additional credit time. Jackson presents several issues

for our review, which we consolidate and restate as a single issue, namely, whether the trial court erred when it denied his petition for additional credit time. We affirm.

## **Facts and Procedural History**

- [2] Jackson is currently serving a fifty-five-year sentence for murder. On February 22, 2022, Jackson filed a verified petition for additional credit time and request for subpoenas with the trial court. Jackson alleged that he had completed twenty-five “basic life skills/reformative programs” on his “Global Tel Link tablet” (“tablet”) and that he had been denied requested credit time from both the Branchville Correctional Facility and the Department of Correction (“DOC”). Appellant’s App. Vol. 5, p. 11. The trial court summarily denied Jackson’s petition. Jackson filed an amended petition, a motion to reconsider, and an amended motion to reconsider, all of which the trial court also summarily denied. This appeal ensued.

## **Discussion and Decision**

- [3] Jackson contends that the trial court erred when it denied his verified petition for additional credit time, amended petition, motion to reconsider, and requests for subpoenas. We treat Jackson’s petition as a claim for post-conviction relief. *See Diaz v. State*, 753 N.E.2d 724, 727 (Ind. Ct. App. 2001), *trans. denied*. The trial court sua sponte summarily denied Jackson’s petition.<sup>1</sup> Because Jackson’s

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<sup>1</sup> On appeal, Jackson does not contend that he was entitled to a hearing on his petition.

petition included exhibits, his petition was, in essence, a memorandum in opposition to summary judgment. “On appellate review from a grant of summary judgment against a party, the nonmoving party has the burden of demonstrating that the grant of summary judgment was error.” *Trueblood v. State*, 715 N.E.2d 1242, 1260 (Ind. 1999). We may affirm the entry of summary judgment on any theory supported by the record. *See, e.g., Markey v. Estate of Markey*, 38 N.E.3d 1003, 1006-07 (Ind. 2015).

[4] Initially, we note that Jackson proceeds pro se. “It is well settled that pro se litigants are held to the same legal standards as licensed attorneys.” *Lowrance v. State*, 64 N.E.3d 935, 938 (Ind. Ct. App. 2016), *trans. denied*. “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.” *Id.*

[5] Jackson asserts that he is entitled to additional credit time as a matter of law pursuant to [Indiana Code Section 35-50-6-3.3\(b\)](#). That statute provides in relevant part that a person may earn educational credit if, while confined by the DOC, the person:

- (1) is in credit Class I, Class A, or Class B;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements for at least one (1) of the following:

\* \* \*

(C) To obtain a certificate of completion of a literacy and basic life skills program *approved by the department of correction.*

(D) To obtain a certificate of completion of a reformatory program *approved by the department of correction. . . .*

(Emphases added.)

[6] On appeal, Jackson does not direct us to evidence that he has satisfied all three statutory prerequisites for the requested credit time. Jackson has not even alleged that he is in one of the qualifying credit classes, and he has not shown that the DOC had approved for credit time any of the twenty-five programs that he completed. In fact, the DOC explicitly advised Jackson that he was “not able to receive a time-cut [for programs completed on] the tablet” but would have to “go through [the] education programs in the education building” in order to get additional credit time. Appellant’s App. Vol. 5, p. 24. And, in a letter dated February 8, 2022, the DOC reiterated to Jackson that the programs he had completed on his tablet are not recognized by the DOC as “time cut eligible” programs. *Id.* at 27. Jackson has not shown that the trial court erred when it summarily denied his petition for additional credit time.<sup>2</sup>

[7] Affirmed.

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<sup>2</sup> For all these reasons, Jackson cannot show that the trial court erred when it denied his request for subpoenas.

Robb, J., and Brown, J., concur.