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IN THE
COURT OF APPEALS OF INDIANA

Ernest Ray Snow, Jr.,

Appellant-Petitioner,

v.

State of Indiana, Bureau of
Motor Vehicles

Appellee-Respondent.

August 24, 2022

Court of Appeals Case No.
22A-IF-471

Appeal from the
Marion Superior Court

The Honorable
Marcel A. Pratt, Judge

Trial Court Case No.
49F31-9306-IF-70199

Friedlander, Senior Judge.

[1] Ernest Ray Snow, Jr., appeals the trial court’s grant of the Indiana Bureau of Motor Vehicles’ (“the BMV”) motion for relief from judgment. We affirm.

[2] On December 14, 2021, Snow filed with the trial court a “Verified Petition to Prohibit Disclosure of Records of Traffic Infractin [sic] Class Conviction Under I.C. 34-28-5-15(b)(2).” Appellant’s App. Vol. II, p. 13. He stated in the petition that: (1) he had received a speeding ticket under Case Number 49F31-9306-IF-70199, which had resulted in a judgment of conviction; (2) he had fulfilled all obligations under the judgment; and (3) the judgment was at least five years old. He concluded that the record of his conviction should be excluded from public access.

[3] On December 17, 2021, the trial court granted Snow’s petition. The court concluded, in relevant part: “The Indiana Bureau of Motor Vehicles; and each law enforcement agency is prohibited from disclosing or releasing the Petitioner’s record or information in the Petitioner’s Traffic Infraction records to anyone without court order, other than a law enforcement officer acting in the course of the officer’s official duty.” *Id.* at 17. The court further stated, “Petitioner shall be treated as if Petitioner had never been convicted of the offense.” *Id.* at 18.

[4] On February 22, 2022, the BMV filed a Motion to Intervene and a Motion for Relief from Judgment pursuant to Trial Rule 60(B). The BMV claimed, among other arguments, that it is not subject to Indiana Code section 34-28-5-15(b)(2). As a result, the BMV asked the court to vacate or amend its December 17, 2021 order as it applied to the BMV.

[5] The trial court granted the BMV’s Motion to Intervene and further granted the Motion for Relief from Judgment. The court vacated its December 17, 2021 order “to the extent that it prohibits the Indiana Bureau of Motor Vehicles from disclosing or releasing Ernest Ray Snow Jr.’s traffic infraction conviction records or information.” *Id.* at 38. This appeal followed.

[6] Snow argues the trial court should have denied the State’s Motion for Relief from Judgment and allowed the original decision to remain in effect. Indiana Trial Rule 60(B) provides, in relevant part:

On motion and upon such terms as are just the court may relieve a party or his legal representative from a judgment, including a judgment by default, for the following reasons:

* * * *

(8) any reason justifying relief from the operation of the judgment, other than those reasons set forth in sub-paragraphs (1), (2), (3), and (4).

The motion shall be filed within a reasonable time for reasons (5), (6), (7), and (8), and not more than one year after the judgment, order or proceeding was entered or taken for reasons (1), (2), (3), and (4). A movant filing a motion for reasons (1), (2), (3), (4), and (8) must allege a meritorious claim or defense.

[7] A motion for relief from judgment is “addressed to the equitable discretion of the trial court,” and we generally review a trial court’s ruling on such a motion for an abuse of discretion. *Goldsmith v. Jones*, 761 N.E.2d 471, 473 (Ind. Ct. App. 2002). But where, as in this case, a ruling turns on a question of law, our standard of review is de novo. *Berg v. Berg*, 170 N.E.3d 224 (Ind. 2021).

[8] This case focuses on the applicability of Indiana Code section 34-28-5-15(b) (2019). That statute provides, in relevant part:

(b) Not earlier than five (5) years after a person:

(1) whose prosecution for an infraction has been deferred; or

(2) who was found to have violated a statute defining an infraction;

has satisfied the conditions of the deferral program or the judgment imposed for the violation, the person may petition the court to prohibit disclosure of information related to the infraction to a noncriminal justice organization or an individual. The court shall order the clerk and the operator of any state, regional, or local case management system not to disclose or permit disclosure of information related to the infraction to a noncriminal justice organization or an individual if the court finds that the person satisfied the judgment or conditions of the deferral program and at least five (5) years have passed since the date the person satisfied the judgment or conditions of the program.

*Id.*¹

[9] When we review a statute in a given case, if the statutory language is clear and unambiguous, we require only that the words and phrases it contains are given their plain ordinary, and usual meanings to determine and implement the legislature’s intent. *County of Lake v. Pahl*, 28 N.E.3d 1092 (Ind. Ct. App. 2015), *trans. denied*. Where the language is susceptible to more than one reasonable

¹ We note that the Indiana General Assembly recently enacted Indiana Code section 32-31-11-3 (2022), which addresses landlord-tenant relations, and it includes similar language applying to operators of “state, regional, or local case management system[s].”

interpretation, the statute must be construed to give effect to the legislature's intent. *H.M. v. State*, 993 N.E.2d 1162 (Ind. Ct. App. 2013). Undefined words in a statute are given their plain, ordinary, and usual meaning. *Id.*

[10] The BMV does not dispute that Snow met the statutory requirements of Indiana Code section 34-28-5-15(b). Instead, the BMV argues it is not subject to that statute because it is not an “operator of any state, regional, or local case management system.” We agree. The parties have not directed us to a statute that defines “case management system” for purposes of Indiana Code section 34-28-5-15(b), and we have not found any in Title 34 of the Indiana Code. But other sections of the Code and Indiana’s court rules discuss case management systems in the context of courts and law enforcement officials maintaining records of civil or criminal actions. *See, e.g.*, Ind. Code § 33-24-6-3(a)(7) (2022) (setting forth duties of the Indiana Supreme Court’s office of judicial administration, including developing protocols for sending and receiving court data among county and statewide court case management systems, as well as prosecuting attorneys’ case management systems); *see also* Indiana Trial Rule 86(A)(1) (defining “Case Management System” as “the system of networked software and hardware used by any Indiana court that may receive, organize, store, retrieve, transmit, and display all relevant documents in any case before it”).

[11] The BMV is required by statute to maintain records for each licensed driver, including convictions for moving traffic violations. Ind. Code § 9-14-12-3 (2016). But based on the usage of the term “case management system” we have

found in Indiana statutes and rules, maintaining individual driving records is dissimilar from keeping records of civil, criminal, or administrative cases.

[12] We further note that the General Assembly requires the BMV to keep all records open for public inspection except for “personal information.” Ind. Code § 9-14-12-1 (2016). Personal information includes a driver’s social security number, license number, name and address, but not “information about vehicular accidents, driving or equipment related violations, and driver’s license or registration status.” Ind. Code § 9-14-6-6 (2016). To further emphasize the point, in another statute the General Assembly has directed the BMV to not disclose (except in limited circumstances) a list of licensed drivers’ sensitive personal information including social security numbers or medical information, but information about driving violations is not included in the list. Ind. Code § 9-14-13-2 (2016).

[13] Thus, if we were to read Indiana Code section 34-28-5-15(b) as applying to the BMV to prevent disclosure of a driver’s infractions, that statute would conflict with the BMV’s statutory mandate to keep records open for public inspection. And we are required to read statutes harmoniously unless the differences make the statutes so repugnant as to render them irreconcilable. *Wagler v. West Boggs Sewer Dist., Inc.*, 898 N.E.2d 815 (Ind. 2008). We conclude Indiana Code section 34-28-5-15(b) does not apply to the BMV because the BMV is not an “operator of any state, regional, or local case management system.” As a result, the trial court did not err in granting the BMV’s Motion for Relief from Judgment.

[14] For the reasons stated above, we affirm the judgment of the trial court.

[15] Judgment affirmed.

Bradford, C.J., and Brown, J., concur.