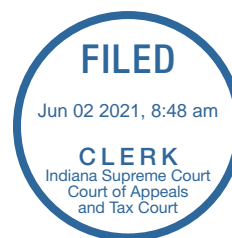


## MEMORANDUM DECISION

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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### APPELLANT PRO SE

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## IN THE COURT OF APPEALS OF INDIANA

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Eric J. Mapes,  
*Appellant-Petitioner,*

v.

State of Indiana,  
*Appellee-Respondent.*

June 2, 2021

Court of Appeals Case No.  
21A-PC-250

Appeal from the Marion Superior  
Court

The Honorable Amy M. Jones,  
Judge

Trial Court Cause No.  
49D34-2102-PC-4134

**Per curiam.**

## Statement of the Case

- [1] Eric J. Mapes appeals the trial court’s denial of his petition to remove his name from Indiana’s sex offender registry pursuant to Indiana Code Section 11-8-8-22. Mapes presents a single issue for our review, namely, whether the trial court erred when it denied his petition.
- [2] We affirm.

## Facts and Procedural History

- [3] On December 19, 1998, Mapes committed sexual assault against a minor in Ector County, Texas. Mapes was convicted of sexual assault under Texas Penal Code Section 22.011 and sentenced, and he was ordered to register as a sex offender. At some point, Mapes moved to Indiana and registered as a sex offender here.
- [4] On February 6, 2021, Mapes filed with the trial court a “Notice Petition and Request Pursuant to 11-8-8-22” (“petition”). In his petition, Mapes “request[ed] to be removed from the Indiana Sex Offender Registry pursuant to Indiana Constitution Art. 1 Sec. 12 and Indiana Code Section 11-8-8-22[(d)].” Appellant’s App. Vol. 2 at 3. Mapes also stated that his petition was made “pursuant to TITLE VI-INNOCENCE PROTECTION ACT OF 2004 Sec. 401.” *Id.* Mapes alleged that “the original trial court records from Texas . . . support his factual innocence[.]” *Id.* He asserted that DNA evidence would exonerate him.

[5] On February 10, the trial court summarily denied Mapes' petition. The trial court stated as follows: "Improper jurisdiction to challenge a Texas conviction. Def[endant] is to register for the period of time ordered by Texas. *See Herron v. State*, 918 N.E.2d 682 (Ind. Ct. App. 2009)." *Id.* at 2. This appeal ensued.

## **Discussion and Decision**

[6] At the outset, we observe that Mapes has chosen to proceed *pro se*. It is well settled that *pro se* litigants are held to the same legal standards as licensed attorneys. *Picket Fence Prop. Co. v. Davis*, 109 N.E.3d 1021, 1029 (Ind. Ct. App. 2018), *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.* These consequences include waiver for failure to present cogent argument on appeal. *Id.* While we prefer to decide issues on the merits, where the appellant's noncompliance with appellate rules is so substantial as to impede our consideration of the issues, we may deem the alleged errors waived. *Id.* "We will not become an advocate for a party, or address arguments that are inappropriate or too poorly developed or expressed to be understood." *Id.* (citation omitted).

[7] The argument section in Mapes' brief on appeal does not comply with Indiana Appellate Rule 46(A)(8) in that he fails to clearly articulate the issues presented or support his arguments with cogent reasoning. Accordingly, Mapes has waived the issues he purports to present. Waiver notwithstanding, we will address what we discern to be the core issues presented on appeal.

[8] Mapes appeals the trial court's denial of his petition filed under Indiana Code Section 11-8-8-22, which provides in relevant part as follows:

(a) As used in this section, "offender" means a sex offender (as defined in section 4.5 of this chapter) and a sex or violent offender (as defined in section 5 of this chapter).

(b) Subsection (g) applies to an offender required to register under this chapter if, due to a change in federal or state law after June 30, 2007, an individual who engaged in the same conduct as the offender:

(1) would not be required to register under this chapter; or

(2) would be required to register under this chapter but under less restrictive conditions than the offender is required to meet.

(c) A person to whom this section applies may petition a court to:

(1) remove the person's designation as an offender and order the department to remove all information regarding the person from the public portal of the sex and violent offender registry Internet web site established under IC 36-2-13-5.5; or

(2) require the person to register under less restrictive conditions.

(d) A petition under this section shall be filed in the circuit or superior court of the county in which the offender resides. If the offender resides in more than one (1) county, the petition shall be filed in the circuit or superior court of the county in which the offender resides the greatest time. If the offender does not reside in Indiana, the petition shall be filed in the circuit or superior

court of the county where the offender is employed the greatest time. If the offender does not reside or work in Indiana, but is a student in Indiana, the petition shall be filed in the circuit or superior court of the county where the offender is a student. If the offender is not a student in Indiana and does not reside or work in Indiana, the petition shall be filed in the county where the offender was most recently convicted of a crime listed in section 5 of this chapter.

(e) After receiving a petition under this section, *the court may*:

(1) *summarily dismiss the petition. . . .*

(Emphasis added).

[9] Where, as here, the trial court did not hold a hearing and ruled on a paper record, we will review the denial of the petition *de novo*. See *Baysinger v. State*, 835 N.E.2d 223, 224 (Ind. Ct. App. 2005). In his brief on appeal, Mapes first asserts that the trial court has jurisdiction to hear his petition because he is an Indiana resident. However, as the State points out, Mapes’ complaint is an impermissible collateral attack on the Texas judgment. We do not have jurisdiction or authority to modify or set aside that judgment. And, in any event, to the extent that Mapes alleges DNA evidence proves his innocence, this petition is not the proper vehicle to bring that challenge.

[10] Mapes also asks that we apply Indiana law to determine his status as a sex offender for purposes of the registry. However, Indiana Code Section 11-8-8-19(f) provides that “[a] person who is required to register as a sex or violent offender in any jurisdiction shall register for the period required by the other

jurisdiction or the period described in this section, whichever is longer.” Mapes acknowledges that he is still required to register as a sex offender in Texas. Accordingly, Mapes is statutorily required to register as a sex offender in Indiana. *See Herron*, 918 N.E.2d at 684. Mapes has not shown that the trial court erred when it summarily denied his petition to remove his name from the sex offender registry.<sup>1</sup>

[11] Affirmed.

Najam, Pyle, and Tavitas, JJ., concur.

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<sup>1</sup> To the extent Mapes attempts to make argument under various provisions of the federal constitution, we cannot discern what those arguments are or how they apply to the issues on appeal. Neither does Mapes cite to parts of the appendix to support those assertions. Accordingly, we do not address those claims. *See Ind. Appellate Rule 46(A)(8)(a)*.