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APPELLANT PRO SE:

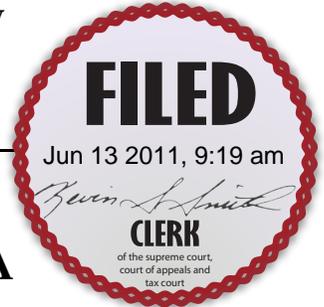
ATTORNEY FOR APPELLEE:

HENRY HOWARD

Bedford, Indiana

DAVID W. STONE IV

Anderson, Indiana



**IN THE
COURT OF APPEALS OF INDIANA**

HENRY HOWARD,

Appellant-Plaintiff,

vs.

RAYMOND LAMAR GRIMES,

Appellee-Defendant.

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No. 48A04-1010-CC-629

APPEAL FROM THE MADISON CIRCUIT COURT
The Honorable Rudolph R. Pyle, III, Judge
The Honorable Joseph R. Kilmer, Master Commissioner
Cause No. 48C01-0509-CC-926

June 13, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

Henry Howard appeals the trial court's denial of both his "Motion Requesting Joinder" and "Motion for Execution Against Persons." Raymond Grimes moves to dismiss this appeal for numerous violations of the Indiana Rules of Appellate Procedure. We dismiss Howard's appeal for lack of jurisdiction.¹

FACTS AND PROCEDURAL HISTORY

In 2006, Howard obtained a default judgment against Raymond Grimes, d/b/a Rambling Fever Trucking Company ("Grimes"), and the trial court ordered Grimes to pay actual damages to Howard for unpaid wages, treble damages, and attorney's fees. The total award was \$69,809.50. In 2010, Howard filed a motion for joinder, seeking to add Grimes' wife Angela Grimes as a defendant in this action. Howard also filed a motion asking the trial court to "issue an order for execution against persons, Angela Grimes and Raymond Grimes[.]" Appellant's App. at 10. The trial court denied those motions, and Howard filed a motion to correct error, which the trial court also denied. This appeal ensued.

DISCUSSION AND DECISION

The dispositive issue is whether this court has jurisdiction to consider Howard's appeal. We have the duty to determine whether we have jurisdiction over an appeal before proceeding to determine the rights of the parties on the merits. Allstate Ins. Co. v. Scrogan, 801 N.E.2d 191, 193 (Ind. Ct. App. 2004), trans. denied. Pursuant to Indiana Appellate Rule 5, this court has jurisdiction over appeals from final judgments of trial

¹ Because we dismiss this appeal, we need not rule on Howard's motion to proceed without a transcript.

courts and only those interlocutory orders from trial courts that are brought in accordance with Indiana Appellate Rule 14.

In his Appellant's Case Summary, Howard concedes that he is not appealing from a final, appealable order under Indiana Appellate Rule 2(H). Instead, Howard asserts in his Case Summary that the order is appealable "as of right" under Indiana Appellate Rule 14(A)(1)-(9). Parties are permitted to appeal "as a matter of right" the following interlocutory orders:

- (1) For the payment of money;
- (2) To compel the execution of any document;
- (3) To compel the delivery or assignment of any securities, evidence of debt, documents or things in action;
- (4) For the sale or delivery of the possession of real property;
- (5) Granting or refusing to grant, dissolving, or refusing to dissolve a preliminary injunction;
- (6) Appointing or refusing to appoint a receiver, or revoking or refusing to revoke the appointment of a receiver;
- (7) For a writ of habeas corpus not otherwise authorized to be taken directly to the Supreme Court;
- (8) Transferring or refusing to transfer a case under Trial Rule 75; and
- (9) Issued by an Administrative Agency that by statute is expressly required to be appealed as a mandatory interlocutory appeal.

Ind. Appellate Rule 14(A).

Here, the trial court's order denying Howard's motions does not fit into any of these categories. Thus, Howard was not entitled to appeal the court's order as a matter of right. Other interlocutory orders may be appealed "if the trial court certifies its order and

the Court of Appeals accepts jurisdiction over the appeal,” Ind. Appellate Rule 14(B), or if an interlocutory appeal is provided by statute. Ind. Appellate Rule 14(D). There is no indication that Howard sought certification from the trial court or permission from this court to file this discretionary interlocutory appeal. Nor has Howard demonstrated a statutory right to appeal. Accordingly, we do not have jurisdiction over this appeal, and we must dismiss. See Moser v. Moser, 838 N.E.2d 532, 535–536 (Ind. Ct. App. 2005), trans. denied.

Dismissed.

ROBB, C.J., and CRONE, J., concur.