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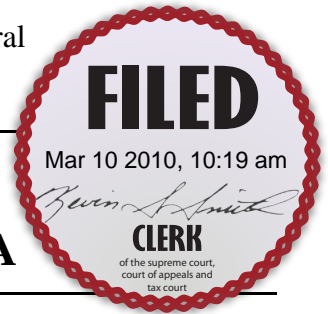
APPELLANT PRO SE:

**FRED E. WALL**  
Greencastle, Indiana

ATTORNEYS FOR APPELLEE:

**GREGORY F. ZOELLER**  
Attorney General of Indiana

**J.T. WHITEHEAD**  
Deputy Attorney General  
Indianapolis, Indiana



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**IN THE  
COURT OF APPEALS OF INDIANA**

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FRED WALL, )  
)  
Appellant-Petitioner, )  
)  
vs. )  
)  
STATE OF INDIANA, )  
)  
Appellee-Respondent. )

No. 77A05-0909-CR-534

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APPEAL FROM THE SULLIVAN CIRCUIT COURT  
The Honorable P.J. Pierson, Judge  
Cause No. 77C01-0906-FC-95

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**March 10, 2010**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**MAY, Judge**

Fred E. Wall<sup>1</sup> obtained a high school diploma while in prison, but was apparently denied credit time in the form of a reduction in the length of his imprisonment. His diploma came from the Cornerstone Christian Correspondence School. Wall followed the Department of Correction (DOC) grievance procedure but was told Cornerstone was not recognized by the DOC.

On May 12, 2009, after that decision, Walls commenced a “classification appeal” with DOC, asserting he had obtained his high school diploma and asking that his status be changed from not having a high school diploma to having one. (App. at 9a.) A handwritten response on the classification appeal form reads: “Your Classification Designation has been updated to reflect the change in education code.” (*Id.*) A DOC document captioned “Report of Classification Hearing” has an entry “Earliest projected release date” showing “01-29-2019” and another entry, “projected activation date” showing “02-28-2018.” (*Id.* at 9c.)

Ind. Code § 35-50-6-3.3 provides:

(a) In addition to any credit time a person earns under subsection (b) or section 3 of this chapter, a person earns credit time if the person:

- (1) is in credit Class I;
- (2) has demonstrated a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain one (1) of the following:

\* \* \* \* \*

(B) A high school diploma, if the person has not previously obtained a general educational development (GED) diploma.

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<sup>1</sup> Wall’s name is spelled “Walls” in some documents in the record, including the high school diploma on which this appeal is based. Even documents apparently prepared by Wall himself vary in the way his name is spelled. (*See, e.g.*, App. at 9a.) We adopt the spelling used in the majority of the documents in the record and in the trial court’s chronological case summary.

(d) The amount of credit time a person may earn under this section is the following:

\* \* \* \* \*

(2) One (1) year for graduation from high school.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

The record reflects Wall was sentenced on June 10, 2002, but does not indicate what his sentence was. Neither Wall nor the State direct us to any provisions of the Indiana Code or Indiana Administrative Code that define the phrase “projected activation date.” We accordingly decline the State’s invitation to hold that language indicates “Wall has already been given his requested credit.”<sup>2</sup> (Br. of Appellee at 5.)

The State does acknowledge “it is not entirely clear that [Wall] has been given the credit, and it is not clear that IDOC has denied him his requested one year of credit, either, given the record.” (*Id.*) On the record before us, we must agree. It is impossible for us to determine whether Wall has been granted or denied relief, what relief DOC granted him, if any,<sup>3</sup> or why the trial court denied Wall’s *pro se* motions for “reconsideration of educational time credit” and “additional earned time credit.” (App. at 32.)

We accordingly must remand for a hearing on Wall’s motions for educational credit time.

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<sup>2</sup> Even if, as the State suggests, “Projected activation date” indicates an earlier release date than “Earliest projected release date,” Wall’s “projected activation date” would amount to an eleven-month credit, not the one-year credit expected for completion of a high school diploma. *See* Ind. Code § 35-50-6-3.3(d)(2).

<sup>3</sup> The evidence suggests Wall might have been granted relief in the form of a reclassification indicating he now has a high school diploma, but denied relief in the form of credit time for obtaining a high school diploma. But as noted above, we cannot be certain from the record before us.

Remanded.

KIRSCH, J., and DARDEN, J., concur.