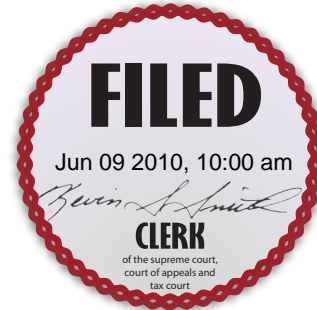


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

LEELAND RUNKEL,)	
)	
Appellant-Defendant,)	
)	
vs.)	No. 38A04-0909-PC-546
)	
STATE OF INDIANA,)	
)	
Appellee-Plaintiff.)	

APPEAL FROM THE JAY SUPERIOR COURT
The Honorable Frederick A. Schurger, Special Judge
Cause No. 38D01-0703-FD-21

June 9, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Leeland Runkel appeals the post-conviction court's denial of his petition for post-conviction relief. We affirm.

Issue

Runkel raises the sole issue of whether the post-conviction court erred by denying his petition for post-conviction relief.

Facts and Procedural History

In 2008, Runkel was sentenced for the commission of a felony. While incarcerated, he completed two classes: "40 Days of Purpose" and "Celebrate Recovery Inside." Appendix at 6, 7. Runkel filed a motion for earned credit time on the basis of having completed the classes. The post-conviction court denied the motion, finding that the DOC "does not provide a time cut for the course[s] as requested by Defendant." *Id.* at 20.

Runkel now appeals.

Discussion and Decision

We treat Runkel's motion for educational credit time as a petition for post-conviction relief. *See Young v. State*, 888 N.E.2d 1255, 1256 (Ind. 2008). He therefore has the burden of establishing the grounds for relief by a preponderance of the evidence. *Id.* at 1257. An unsuccessful petitioner appeals from a negative judgment and therefore must show that the evidence as a whole "leads unerringly and unmistakably to a conclusion opposite to that reached by the trial court." *Pruitt v. State*, 903 N.E.2d 899, 905 (Ind. 2009), reh'g denied. We reverse "only where the evidence is without conflict and leads to but one conclusion, and

the post-conviction court has reached the opposite conclusion.” Id.

One confined by the DOC may earn educational credit time if, among other things, he receives a certificate of completion for certain DOC-approved programs, including classes related to career and technical education, substance abuse, literacy, and basic life skills. Ind. Code § 35-50-6-3.3(b)(3). Runkel submitted certificates of completion for the two above-referenced courses. Although he repeatedly asserts that the two classes were approved by the DOC for purposes of the statute, he presents nothing to support this contention. He has therefore failed to carry his burden of establishing that the evidence led to the conclusion opposite that of the post-conviction court.

Affirmed.

MAY, J., and BARNES, J., concur.