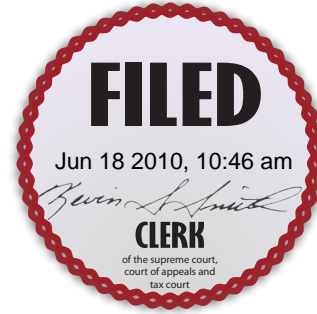


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

WILLIAM T. CASBON,
Appellant/Petitioner,

vs.

STATE OF INDIANA,
Appellee/Respondent.

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No. 49A05-0910-CR-588

APPEAL FROM THE MARION SUPERIOR COURT
The Honorable Robert R. Altice, Jr., Judge
The Honorable Amy J. Barbar, Magistrate
Cause No. 49G02-9601-CF-2020

June 18, 2010

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant/Petitioner William Casbon appeals from the post-conviction court's dismissal of his motion to vacate sexually violent predator status. We affirm.

FACTS AND PROCEDURAL HISTORY

On November 26, 1996, Casbon was found guilty of Class A felony conspiracy to commit kidnapping, Class B felony attempted child molesting, two counts of Class B felony child molesting, Class C felony child molesting, and Class D felony battery and was found to be a habitual offender. On December 27, 1996, the trial court sentenced Casbon to an aggregate sentence of forty years of incarceration. On remand following Casbon's direct appeal, the trial court sentenced him to thirty years of incarceration. On July 15, 2009, Casbon filed a "Motion to Vacate Sexually Violent Predator Status, Vacate Non-Applicable Sex Offender Stipulations, and to Clarify Parole and Registration." On August 17, 2009, the trial court denied Casbon's motion.

DISCUSSION AND DECISION

Indiana Code section 11-8-8-7 (2009) provides that sex or violent offenders must register with local law enforcement upon release from incarceration. Although the Indiana Supreme Court has ruled that the Indiana Sex Offender Registration Act violates the *ex post facto* clause of the Indiana Constitution under some circumstances, *Wallace v. State*, 905 N.E.2d 371, 384 (Ind. 2009), Casbon's claim is not yet ripe for review. Even according to Casbon, the earliest he may be released from incarceration is December 15, 2010, which is still over six months away. As yet, there is no evidence that Casbon has been ordered to register as a violent offender or that he has been notified that he will be required to do so. At this point, it is a matter of speculation as to which registration

requirements, if any, will be imposed on Casbon upon his release from prison. Consequently, Casbon raises no issue ripe for appellate review. *See, e.g., Gardner v. State*, 923 N.E.2d 959, 960 (Ind. Ct. App. 2009), *trans. denied*.

The judgment of the post-conviction court is affirmed.

RILEY, J., and MATHIAS, J., concur.