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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.

APPELLANT PRO SE:

**JAMES INGERSOLL**  
New Castle, Indiana

ATTORNEYS FOR APPELLEE:

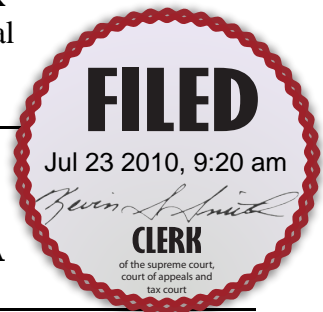
**GREGORY F. ZOELLER**  
Attorney General of Indiana

**ZACHARY J. STOCK**  
Deputy Attorney General  
Indianapolis, Indiana

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**IN THE  
COURT OF APPEALS OF INDIANA**

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JAMES INGERSOLL,  
  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
  
Appellee-Plaintiff.

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No. 75A03-0911-CR-540

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APPEAL FROM THE STARKE CIRCUIT COURT  
The Honorable Jeanene Calabrese, Special Judge  
Cause No. 75C01-0306-FA-6

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**July 23, 2010**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAILEY, Judge**

## **Case Summary**

James Ingersoll appeals the post-conviction court's denial of his request for education credit time. We affirm.

### **Issue**

Ingersoll raises the issue of whether the post-conviction court erred in denying his amended petition for education credit time.

### **Facts and Procedural History**

While incarcerated for having committed a felony, Ingersoll earned a high school diploma from an entity in Florida. After pursuing certain administrative remedies, he received the following information on September 17, 2009, from the Indiana Department of Correction ("DOC"):

This letter is in response to a recent reviewed classification appeal form. The subject of your complaint is not a classification issue, but may be a grievable matter.

You are referred to the Grievance Procedure for Adult Offenders for the proper processing of your complaint.

Appendix at 18.

Eight days later, on September 25, 2009, he petitioned the Starke Circuit Court for education credit time. The petition was promptly denied. On November 17, 2009, Ingersoll filed an additional grievance with the DOC.

Ingersoll now appeals the post-conviction court's denial of his amended petition for education credit time.

## **Discussion and Decision**

Ingersoll argues that the post-conviction court erred in denying his amended petition for education credit time. A petition for post-conviction relief “must show in the first place what the relevant DOC administrative grievance procedures are, and then that [the petitioner] has exhausted them at all levels.” Young v. State, 888 N.E.2d 1255, 1257 (Ind. 2008).

Here, Ingersoll has submitted documents that support the exact opposite proposition; namely, that he had not exhausted the appropriate DOC grievance procedure when he filed his petition with the Starke Circuit Court. Accordingly, he has not complied with the Indiana Supreme Court’s decision in Young v. State.

The post-conviction court did not err in denying Ingersoll’s amended petition for education credit time.

Affirmed.

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