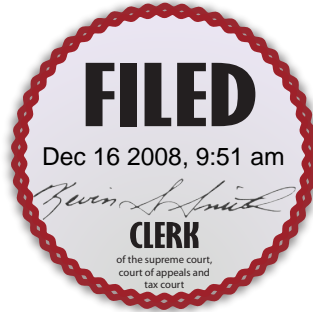


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT PRO SE:

OSCAR GUILLEN, SR.
Carlisle, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

OSCAR GUILLEN, SR.,)
)
Appellant,)
)
vs.)
)
LAKE COUNTY CLERK,)
)
Appellee.)

No. 45A03-0807-CV-367

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable John R. Pera, Judge
Cause No. 45D10-0804-CB-8

December 16, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

DARDEN, Judge

STATEMENT OF THE CASE

Oscar Guillen, Sr., *pro se*, appeals the trial court's denial of his motion to correct error.

We affirm.

ISSUE

Whether the trial court erred in denying Guillen's motion to correct error.

FACTS

On April 15, 2008, Guillen filed in the Lake Superior Court Civil Division a *pro se* "Petition for Leave to Proceed as a Poor Person and Affidavit of Indigency, and a Motion to Proceed with this Case Cause by Documentary Submission [sic], a Jurisdictional Statement and a Law Suit Complaint." (Order of April 15, 2008). Guillen's six-page complaint sought to recover from the Lake County Clerk \$1,150.00 in bond money posted by Guillen in various criminal cases filed against him in the Lake County courts in 2003 and 2004 and dismissed in late 2004.

That same day, the trial court denied his petition for leave to proceed as a poor person, based on his failure to provide the requisite certified copy of his prisoner's trust fund account for the previous six months. *See* Ind. Code § 33-37-3-3. The trial court also reviewed Guillen's complaint pursuant to Indiana Code section 34-58-1-2, which review includes a determination of whether the claim is one upon which relief may be granted. The trial court concluded that it was "not appropriate" for the Lake Superior

Court Civil Division to review the disposition of bond money with respect to charges filed in criminal court (or courts) in various criminal cases. (Order of April 15, 2008).

Guillen filed a motion to correct error. On May 23, 2008, the trial court denied the motion.

DECISION

Guillen's appellate brief puts forth no recognizable argument as to why the trial court's order is erroneous. He simply asks that he be provided disclosure as to "any 'disbursement' of [his] posted moneys [sic]," and "to know where [his] posted bond monies went to." Guillen's Br. at 4, 5.

As the appellant, Guillen bears the burden of showing that the trial court abused its discretion when it denied his motion to correct error. *Page v. Page*, 849 N.E.2d 769, 771 (Ind. Ct. App. 2006). Although there is no appellee brief, Guillen still must establish a *prima facie* case of trial court error. *Hopper Resources, Ind., v. Webster*, 878 N.E.2d 418, 421 (Ind. Ct. App. 2007), *trans. denied*. If the appellant is unable to meet that burden, we will affirm. *Aboulalkah v. Sharps*, 795 N.E.2d 488, 490 (Ind. Ct. App. 490).

Indiana Code section 35-33-8-3.1 authorizes "the court that admitted the defendant to bail" to determine the disposition of retained bail bond charges and fees; and Indiana Code section 35-3-8-7 authorizes "the court having jurisdiction over the criminal case" to determine any bail bond forfeiture. Hence, the statutes are in accord with the trial court's conclusion that the matters asserted by Guillen should properly be addressed to the

criminal court in which the charges had been filed. Therefore, we find no abuse of discretion by the trial court in denying Guillen's motion to correct error.

Affirmed.

RILEY, J., and VAIDIK, J., concur.