

## MEMORANDUM DECISION

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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APPELLANT PRO SE

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ATTORNEYS FOR APPELLEE

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## IN THE COURT OF APPEALS OF INDIANA

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Cleverly Lockhart,  
*Appellant-Petitioner,*

v.

State of Indiana,  
*Appellee-Respondent*

December 4, 2019

Court of Appeals Case No.  
19A-CR-1839

Appeal from the Howard Circuit  
Court

The Honorable Thomas R. Lett,  
Special Judge

Trial Court Cause No.  
34C01-9406-CF-40

**Baker, Judge.**

- [1] Cleverly Lockhart appeals the trial court’s order denying his motion for clarification of his sentence and registry status, arguing that the trial court erred. Finding this issue not yet ripe for appellate review, we vacate the trial court’s judgment as premature and dismiss this appeal.
- [2] On July 27, 1995, Lockhart was convicted of three counts of Class B felony child molestation and one count of Class C felony child molestation. This Court later affirmed Lockhart’s convictions but remanded with instructions for the trial court to impose a statutorily-authorized sentence. *See Lockhart v. State*, 671 N.E.2d 893, 904 (Ind. Ct. App. 1996). The trial court then re-sentenced Lockhart to an aggregate fifty-three-year term on April 16, 1998. Lockhart’s earliest possible release date is February 29, 2020.
- [3] Nearly ten years later, Lockhart petitioned for and was denied post-conviction relief, which this Court affirmed on November 10, 2009. *Lockhart v. State*, Cause No. 34A05-0905-PC-293 (Ind. Ct. App. Nov. 10, 2009). However, the trial court allowed Lockhart to file a direct appeal of his 1998 sentence, which this Court affirmed on May 20, 2015. *Lockhart v. State*, Cause No. 34A04-1407-CR-351 (Ind. Ct. App. May 20, 2015). Following another round of unsuccessful post-conviction litigation, Lockhart ultimately filed a motion for clarification of his sentence and registry status on January 31, 2019. On July 9, 2019, the trial court issued an order denying that motion. Lockhart now appeals.
- [4] Lockhart’s sole argument on appeal is that the trial court erred when it denied his motion for clarification of his sentence and registry status. Currently,

Lockhart is incarcerated and serving out his sentence for felony child molestation. Lockhart has not been ordered to register as a sex offender following release from the Department of Correction, and we will not know of the trial court's orders until, at the earliest, February 29, 2020—provided that Lockhart is even released then. In other words, Lockhart's release date is not readily apparent, and whether he will be required to register as a sex offender is unknown. Therefore, any motion to clarify Lockhart's registry status is speculative in nature. *See, e.g., Gardner v. State*, 923 N.E.2d 959, 960 (Ind. Ct. App. 2009). Given this conjecture, we find that this issue is not yet ripe for appellate review.

[5] The judgment of the trial court is vacated as premature, and we dismiss this appeal.

Riley, J., and Brown, J., concur.