

MEMORANDUM DECISION

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ATTORNEY FOR APPELLANT

Darren Bedwell
Indianapolis, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Myriam Serrano
Deputy Attorney General
Trent Bennett
Certified Legal Intern
Indianapolis, Indiana

IN THE COURT OF APPEALS OF INDIANA

Phillip L. Sadler, Jr.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff.

December 30, 2021
Court of Appeals Case No.
21A-CR-1215

Appeal from the
Miami Superior Court

The Honorable
J. David Grund, Judge

Trial Court Cause No.
52D01-1908-MR-2

Molter, Judge.

[1] Phillip L. Sadler, Jr. was convicted of voluntary manslaughter as a Level 2 felony, and he was sentenced to twenty-eight years executed in the Indiana Department of Correction (“DOC”). He was originally charged with murder for killing a fellow inmate in the Miami Correctional Facility where Sadler was already incarcerated. However, after a jury trial was held, he was convicted of the lesser included offense of Level 2 felony voluntary manslaughter. Sadler now appeals, alleging that his judgment of conviction and abstract of judgment did not accurately reflect his conviction and sentence for voluntary manslaughter. Because we find that the abstract of judgment could more clearly state the offense notation, and the State does not oppose remand, we affirm Sadler’s conviction and remand for the trial court to amend the abstract of judgment to more clearly state the offense for which Sadler was convicted.

[2] Sadler argues that the trial court erred when it communicated to DOC via his abstract of judgment that he was convicted of murder and not voluntary manslaughter. He asserts that, although several other orders entered by the trial court correctly indicate that he was convicted of voluntary manslaughter, the abstract of judgment, which is sent to DOC, states that he was convicted of murder. Appellant’s App. Vol. II at 8. Sadler claims that, under Indiana Code section 35-38-3-2, when a person is sentenced to imprisonment, the trial court is required to certify copies of the judgment of conviction and sentence to DOC and that the judgment of conviction must include, among other things, “the crime for which the convicted person is adjudged guilty and the classification of the criminal offense.” Ind. Code § 35-38-3-2(a), (b)(1). He acknowledges that

the Indiana Supreme Court has held that the abstract of judgment is not a “judgment of conviction” but still argues that because his abstract of judgment does not accurately state the crime for which he was convicted, it did not comply with Indiana Code section 35-38-3-2(b)(1). Appellant’s Br. at 13–14 (citing *Robinson v. State*, 805 N.E.2d 783, 794 (Ind. 2004)).

[3] While we note that Indiana Code section 35-38-2-3 does not set out the requirements for what should be included in an abstract of judgment, neither the abstract of judgment nor the sentencing order in the present case explicitly list the crime for which Sadler was convicted. *See* Appellant’s App. Vol. II at 8, 218. Instead, the abstract of judgment lists murder as the charged offense, and under disposition, it states “Finding of Guilty Lesser Included.” *Id.* at 8. The sentencing order is silent as to the offense of conviction but never refers to it as a conviction for murder. *Id.* at 218. Although neither document clearly states that Sadler was convicted of voluntary manslaughter, Sadler has not shown how this claimed ambiguity has harmed or prejudiced him. Rather, the State points out that DOC has accurately recorded Sadler’s conviction as being for Level 2 felony voluntary manslaughter. *See* Indiana Department of Correction Offender Database, *available at* www.in.gov/apps/indcorrection/ofs/ofs (search under Sadler, Phillip) (last visited Dec. 16, 2021). However, because Sadler claims there is ambiguity in the abstract of judgment, and the State has no objection to a remand, we believe that to be the recourse that will provide clarity to the abstract of judgment and the sentencing order.

[4] We, therefore, affirm Sadler's conviction and remand to the trial court for the sole purpose of issuing an amended abstract of judgment and sentencing order which clearly reflect that Sadler was convicted of Level 2 felony voluntary manslaughter.

[5] Affirmed and remanded.

Robb, J., and Riley, J., concur.