MEMORANDUM DECISION

APPELLANT PRO SE

John Ingram
Edwardsport, Indiana

IN THE COURT OF APPEALS OF INDIANA

John Ingram,
Appellant,

v.

Knox County Tire and Supply,
Appellee.

December 27, 2023

Court of Appeals Case No. 23A-SC-1624

Appeal from the Knox County Superior Court

The Honorable Brian M. Johnson, Judge

Trial Court Cause No. 42D02-2211-SC-389

Memorandum Decision by Judge Bailey
Judges May and Felix concur.

Bailey, Judge.

Case Summary

[1] John Ingram appeals the denial of his motion to correct error, which challenged a negative judgment entered upon Ingram's claim filed in small claims court seeking a refund for tire rims purchased from Knox County Tire and Supply ("Knox Tire"). Ingram raises the single issue of whether the judgment is contrary to the evidence because the return policy was not adequately conveyed to him. We affirm.

Facts and Procedural History

[2] On October 4, 2022, Ingram purchased tire rims and a lug nut installation kit from Knox Tire for a total of $1,508.70. The rims were for use on tires for Ingram's 2015 Dodge Charger. Ingram had his tires mounted with the purchased rims and discovered that the rims protruded three inches further than the stock wheels. Dissatisfied with the result and concerned that his tires would be shredded, Ingram contacted Knox Tire salesman Lee Green to request a "different offset."[1] (App. Vol. II, pg. 8.) Green responded: "I can order you something different but once the tires are mounted they are not returnable." (*Id.*)

[1] A stock wheel offset is the "distance from the centerline of the wheel to the mounting face of the wheel" and it can be "positive or negative." (App. Vol. II, pg. 11.)

[3] Ingram sued Knox Tire in small claims court and apparently entered into evidence the text exchanges between himself and Green.[2] The trial court entered judgment for Knox Tire, and Ingram filed a motion to correct error, which was summarily denied. Ingram now appeals.

Discussion and Decision

[4] Initially, we observe that Knox Tire did not file an appellee's brief. Under such a circumstance, we do not undertake to develop an argument on its behalf, and we may reverse upon Ingram's prima facie showing of reversible error. *Carter v. Grace Whitney Props.*, 939 N.E.2d 630, 633 (Ind. Ct. App. 2010) (internal quotations and citations omitted). In this context, prima facie error means "at first sight, on first appearance, or on the face [of] it." *Id*. at 633-34 (internal quotations and citations omitted).

[5] Ingram's claim was tried before the bench in small claims court. Our standard of review in small claims cases is particularly deferential in order to preserve the speedy and informal process for small claims. *City of Dunkirk Water & Sewage Dep't v. Hall*, 657 N.E.2d 115, 116 (Ind. 1995). The small claims court is the sole judge of the evidence and the credibility of witnesses, and on appeal we neither reweigh the evidence nor assess the credibility of the witnesses. *Id.* If

[2] Copies of text messages are included in Ingram's Appendix. According to an assertion made by Ingram in his Statement of the Case, he also possesses "a recording of Lee admitting to the mistake in purchasing the incorrect offset for [his] car, which was not presented during the previous trial." Appellant's Brief at 4.

the court rules against the party with the burden of proof, as here, it enters a negative judgment that we may not reverse for insufficient evidence unless "the evidence is without conflict and leads to but one conclusion, but the court reached a different conclusion." *Eppl v. DiGiacomo*, 946 N.E.2d 646, 649 (Ind. Ct. App. 2011).

[6] The entirety of Ingram's argument is

> I would have never gone through Knox County Tire and Lee Green had I known he would have been negligent in his duties as a rim and tire professional. The return policy should have been posted in the store, on the receipt or told to the customer verbally before the purchase was made.

Appellant's Brief at 8. Ingram provides no citation to legal authority. We have before us no transcript or summary of the evidence. In sum, Ingram has not shown that the trial court committed an error of law or entered a judgment contrary to the evidence.

Conclusion

[7] Ingram has failed to make a prima facie showing of reversible error.

[8] Affirmed.

May, J., and Felix, J., concur.