

MEMORANDUM DECISION

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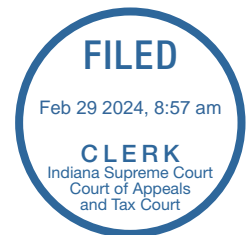


IN THE
Court of Appeals of Indiana

David Edward Jackson III,
Appellant-Petitioner

v.

State of Indiana,
Appellee-Respondent



February 29, 2024

Court of Appeals Case No.
23A-PC-583

Appeal from the Lake Superior Court

The Honorable Natalie Bokota, Judge
The Honorable Kathleen A. Sullivan, Magistrate

Trial Court Cause No.
45G02-2204-PC-10

Memorandum Decision by Judge Vaidik
Judges May and Kenworthy concur.

Vaidik, Judge.

[1] David Edward Jackson III pled guilty to three counts of sexual misconduct with a minor—one Level 5 felony and two Level 6 felonies—and was sentenced to three years, all suspended to sex-offender probation except for time already served. He was also ordered to register as a sex offender for ten years. A few months after being convicted and sentenced, Jackson petitioned for post-conviction relief. The post-conviction court held a hearing and then denied Jackson’s petition. Jackson, acting pro se, now appeals.

[2] Jackson’s petition, the hearing, and Jackson’s proposed findings and conclusions focused largely on a provision in his plea agreement stating that visitation with his children would be left to the discretion of the probation department. He doesn’t raise that issue on appeal. Rather, he presents a variety of issues that he **didn’t** raise at the post-conviction hearing or in his proposed findings and conclusions, including: (1) whether, after he pled guilty and was sentenced, the deputy prosecutor on his case improperly disseminated confidential information from his probation file to his ex-wife and the guardian ad litem in his divorce case; (2) whether his plea agreement was illegal and therefore unenforceable; (3) whether his trial counsel was ineffective regarding his sex-offender registration and for failing to “become aware of the criminal charge’s factual basis requirement,” Appellant’s Br. p. 19; and (4) whether Indiana Criminal Rule 4(C), which concerns the right to a speedy trial, has been violated. By failing to raise these issues in the post-conviction court, Jackson waived them for purposes of appeal. *See Isom v. State*, 170 N.E.3d 623, 648 (Ind.

2021) (explaining that issue not raised in the post-conviction court cannot be raised on appeal), *reh'g denied*.

[3] Jackson raises one issue that was addressed in the post-conviction court, relating to his sex-offender registration. His plea agreement and sentencing order say that he must register for ten years. During the post-conviction hearing, Jackson noted that the sex-offender registration website for Porter County, where Jackson lives, was showing that he must register for life. The court indicated that it would instruct the Porter County Sheriff's Office to correct its records. The court added, "And if they don't, they can come and explain why." Tr. p. 19. Immediately after the hearing, the court issued an order (1) directing the clerk of court to send a copy of the plea agreement to the Porter County registration coordinator and (2) directing the sheriff's office to correct its records. The CCS indicates that a few days later the clerk of court sent a copy of that order and a copy of the plea agreement to the registration coordinator. Appellant's App. Vol. II p. 112.

[4] Jackson correctly notes that, notwithstanding the post-conviction court's efforts, the website still shows that he must register for life. He argues that his plea agreement has been breached and that his convictions should be set aside. While we understand Jackson's frustration, this is not a basis for reversal. Rather, the sheriff's office's continuing failure to update its records is an issue that can be addressed through further proceedings in the trial court (either in this post-conviction case or in the underlying criminal cases). Given the court's

swift action after the hearing, we trust that it will do whatever is necessary to get this matter resolved.

[5] Jackson has not shown any error in the denial of his petition for post-conviction relief.

[6] Affirmed.

May, J., and Kenworthy, J., concur.

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