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:

JUAN SALAZAR-ARVISU
Bunker Hill, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JUAN SALAZAR-ARVISU,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 20A03-0908-PC-379
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE ELKHART SUPERIOR COURT
The Honorable George W. Biddlecome, Judge
Cause No. 20D03-0807-PC-16

February 11, 2011

MEMORANDUM DECISION - NOT FOR PUBLICATION

KIRSCH, Judge

Juan Salazar-Arvisu appeals the denial of his petition for post-conviction relief, contending that the post-conviction court erred in summarily denying his petition without first sending his petition to the State Public Defender. He specifically alleges that, pursuant to Indiana Post-Conviction Rule 1(9), where he requested counsel to be appointed and filed an affidavit of indigency, the court was required to forward his petition to the State Public Defender prior to making a ruling on the petition. *See Eller v. State*, 757 N.E.2d 141, 144 (Ind. Ct. App. 2001); *Sanders v. State*, 273 Ind. 30, 32, 401 N.E.2d 694, 696 (1980).

In the present case, Salazer-Arvisu filed his petition for post-conviction relief, an affidavit of indigency, and at some point, a request for representation by the State Public Defender. However, contrary to his above argument, the Chronological Case Summary ("CCS") contains an entry stating that the post-conviction court did forward his petition to the State Public Defender. *Appellant's App*. at 1. A later entry in the CCS reflects that the State Public Defender filed a Notice of Non-Representation with the post-conviction court, thereby refusing representation in this case. *Id*. at 2. Salazar-Arvisu fails to explain or demonstrate that these entries were in error. Therefore, the post-conviction court did not fail to forward his petition to the State Public Defender, and it did not err in denying his petition for post-conviction relief.

Affirmed.

CRONE, J., and BRADFORD, J., concur.