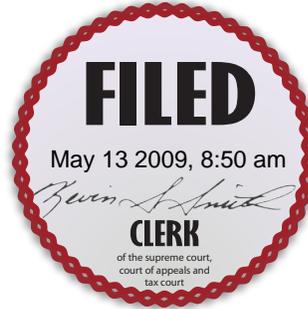


Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE
COURT OF APPEALS OF INDIANA**

DONTE T. GIBSON,)
)
 Appellant-Petitioner,)
)
 vs.) No. 02A03-0811-PC-542
)
 STATE OF INDIANA,)
)
 Appellee-Respondent.)

APPEAL FROM THE ALLEN SUPERIOR COURT
The Honorable Frances C. Gull, Judge
Cause No. 02D04-9709-CF-584

May 13, 2009

MEMORANDUM DECISION ON REHEARING- NOT FOR PUBLICATION

ROBB, Judge

Donte Gibson has filed a letter with this court which we treat as a petition for rehearing of our decision in his appeal from the trial court's denial of his motion for jail time credit. In that decision, we held that the trial court did not abuse its discretion in denying his motion because there was no sentencing error apparent on the face of the judgment. Gibson v. State, No. 02A03-0811-PC-542, slip op. at 4 (Ind. Ct. App., Apr. 15, 2009). We grant Gibson's petition for rehearing for the sole purpose of correcting a factual error in our opinion.

On page two of the opinion, we say that Gibson was sentenced "to twenty years with five years suspended for the kidnapping conviction" Gibson was actually sentenced to twenty-five years with five years suspended for the kidnapping conviction. This error has no impact on the substantive issue raised by Gibson and we therefore affirm the remainder of the opinion in all respects.

CRONE, J., and BROWN, J., concur.