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IN THE
COURT OF APPEALS OF INDIANA

PERRY JONES,	)	
	)	
Appellant-Petitioner,	)	
	)	
vs.	)	No. 34A02-1010-CR-1194
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Respondent.	)	

APPEAL FROM THE HOWARD CIRCUIT COURT
The Honorable Lynn Murray, Judge
Cause No. 34C01-9311-CF-78

June 22, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Judge

Appellant-defendant Perry Jones appeals the trial court's calculation of pretrial and credit time. Specifically, Jones argues that he is owed 368 days of pretrial detention credit and that education credits are due. Finding that Jones has provided an inadequate record from which we can review his claim that he is owed education credits and finding no other error, we affirm.

FACTS

On December 2, 1994, Jones was sentenced in cause number 34D01-9308-CF-68 (CF-68) to a four-year term for possession of cocaine. On December 7, 1994, Jones was sentenced to three concurrent terms of twenty-five years on three counts of class A felony dealing in cocaine under cause number 34C01-9311-CF-78 (CF-78). The trial court ordered that the aggregate twenty-five year term in CF-78 was to be served consecutively to the four-year term in CF-68, for a total executed term of twenty-nine years. Jones received 360 days credit in CF-78; however, the credit was only applied to Count I.

On July 24, 1995, Jones filed a motion to correct jail time credit and was given 368 days credit, which was only applied to count I. On September 9, 2010, Jones requested that the trial court apply this credit time to each of his three counts in CF-78, but this request was denied. The docket entry notes that each count for which Jones was sentenced in CF-78 was "consecutive," although the original sentencing order states that the three counts were to be served concurrently with one another but consecutively to his sentence in CF-68. Appellant's App. p. 2-4, 10. Jones now appeals.

DISUCSSION AND DECISION

Jones challenges the trial court's calculation of pretrial and credit time. More particularly, he now seeks to have 368 days of pretrial detention applied to the sentences in CF-78 and CF-68, notwithstanding that the trial court ordered that the sentences run consecutively to each other. Additionally, Jones claims that education credits are due.

Because Jones has failed to provide an adequate record for review of his claimed education credit, his claim is waived. See Thompson v. State, 761 N.E.2d 467, 471 (Ind. Ct. App. 2002) (stating that "'[i]t is [a defendant's] duty to present an adequate record clearly showing the alleged error. Where he fails to do so, the issue is deemed waived'" (quoting Jackson v. State, 496 N.E.2d 32, 33 (Ind. 1988))).

Moreover, because Jones is seeking credit on sentences that were imposed in separate cases and ordered to be served consecutively, he cannot receive pretrial credit on both cases. "[T]he prohibition against an award of 'double credit' applies when a defendant has arguably been incarcerated at the same time on more than one offense if the sentences for the multiple offenses are to be served consecutively." French v. State, 754 N.E.2d 9, 17 (Ind. Ct. App. 2001) (emphasis added). Accordingly, we affirm the decision of the trial court.

The judgment of the trial court is affirmed.

MAY, J., and BRADFORD, J., concur.