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*:

JOSE JENKINS
Bunker Hill, Indiana

IN THE
COURT OF APPEALS OF INDIANA

JOSE JENKINS,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 46A03-0901-CR-34
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LaPORTE CIRUIT COURT
The Honorable Thomas J. Alevizos, Judge
Cause No. 46C01-0606-FA-301

July 2, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

BRADFORD, Judge

In this *pro se* appeal, Appellant-Defendant Jose Jenkins challenges the trial court's denial of his motion to correct erroneous sentence. We affirm.

FACTS

According to the sentencing order attached to Jenkins's brief,[1] Jenkins pled guilty on May 18, 2007 to two counts of Class B felony Aggravated Battery (Counts I and II), and one count of Class C felony Battery (Count III) in Cause Number 46C01-0606-FA-301 ("Cause No. 301"). On June 18, 2007, the trial court entered judgment of conviction on each count and sentenced Jenkins to consecutive sentences of six years for each of Counts I and II and two years for Count III, for an aggregate sentence of fourteen years. At the same time the trial court imposed an additional fifteen-year sentence, for an apparent probation revocation in Cause Number 46C01-0606-FB-315 ("Cause No. 315"), to be served consecutive to Jenkins's fourteen-year sentence in Cause No. 301.

On June 6, 2008, Jenkins filed a motion to correct erroneous sentence, which the trial court denied on November 6, 2008. Jenkins now appeals.

DECISION

Upon appeal, Jenkins contends that his sentence is "manifestly unreasonable" and that the trial court abused its discretion in failing to consider the events at issue to be "one single incident" for sentencing purposes. In addition, Jenkins claims that he received ineffective assistance of counsel.

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[1] Jenkins failed to file an Appellant's Appendix containing record material referenced in his Appellant's Brief. *See* Ind. Appellate R. 22(C) ("Any record material cited in an appellate brief must be reproduced in an Appendix or the Transcript or exhibits.") Although the lack of an Appellant's Appendix and proper citations thereto are grounds for waiver under Indiana Appellate Rule 46(A)(8)(a), the nature of this appeal is more easily addressed on its merits.

A motion to correct sentence may only be used to correct sentencing errors that are clear from the face of the judgment imposing the sentence in light of the statutory authority. *Robinson v. State*, 805 N.E.2d 783, 787 (Ind. 2004). Claims that require consideration of the proceedings before, during, or after trial may not be presented by way of a motion to correct sentence. *Id.* As to sentencing claims not facially apparent, the motion to correct sentence is an improper remedy. *Id.* Such claims may be raised only on direct appeal and, where appropriate, by post-conviction proceedings. *Id.*

Jenkins's challenges to the merits of his sentence and to counsel's claimed ineffective assistance are not alleged errors limited to the face of the sentencing judgment. Jenkins's claims instead require consideration of additional proceedings and are therefore improper in the motion-to-correct-erroneous-sentence context. Concluding that Jenkins has failed to present a cognizable challenge to the trial court's denial of his motion to correct erroneous sentence, we affirm.

The judgment of the trial court is affirmed.

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