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IN THE
COURT OF APPEALS OF INDIANA

MAURICE HARDIMAN,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 48A02-0808-CV-720
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MADISON SUPERIOR COURT
The Honorable Thomas Newman, Jr., Judge
Cause No. 48D03-0603-MI-259

July 7, 2009

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Maurice Hardiman ("Hardiman") filed a complaint in Madison Superior Court against the State of Indiana, the Indiana Department of Correction ("the DOC"), and the Indiana Parole Board ("the Parole Board") (collectively "the Defendants"). The trial court granted summary judgment in favor of the Defendants. Hardiman appeals and argues that there is a genuine issue of material fact which precludes summary judgment. We affirm.

Facts and Procedural History

In 1990, Hardiman was convicted of rape and criminal deviate conduct and sentenced to concurrent terms of thirty years. On June 23, 2004, Hardiman was released on parole. Upon his release, Hardiman signed two documents listing some of the terms and conditions of his parole: a Notification of Requirement to Register with Law Enforcement Authorities as Sex Offender ("the Registration Notification") and a Parole Board Special Parole Stipulations for Sex Offenders ("the Parole Stipulations"). Both of these documents set forth the requirement that Hardiman register as a sex offender. Specifically, the Parole Stipulations provided, "You shall register with local law enforcement authorities as a sex offender within seven (7) days of being released to parole supervision." Appellant's App. p. 47. The Registration Notification was an outdated form that used language limiting the registration requirement to offenses committed after June 30, 1994:

> Adult offenders who have been convicted of, or juvenile offenders at least fourteen (14) years of age who have been adjudicated for, and found by a court by clear and convincing evidence to be likely to repeat any of the following offenses after 30 June 1994, are considered to be sex offenders in

> accordance with IC 5-2-12-4; (1) RAPE (IC 35-42-4-1); (2) CRIMINAL DEVIATE CONDUCT (IC 35-42-4-2) . . . .
>
> Offenders who have been convicted or adjudicated of any of the above listed offenses, after 30 June 1994, are required by statute to register with each local law enforcement authority having jurisdiction in the area where the offender intends to reside for more than seven (7) days. The offender shall register with the law enforcement authority(ies) within seven (7) days after arrival at the place of residence. An offender's duty to register terminates ten (10) years after his release from incarceration.

Appellant's App. p. 45, 72. However, the applicable statutes had been amended by the time Hardiman was placed on parole to apply to all sex offenders, whether convicted before or after June 30, 1994. See McCown v. State, 890 N.E.2d 752, 754 (Ind. Ct. App. 2008) (discussing history of Indiana's sex offender registry statutes).

Hardiman submitted two different versions of the Registration Notification to the trial court. One version contains no markings and is not signed by a DOC representative. Appellant's App. p. 72. The other version contains lines drawn through the first mention of "after 30 June 1994" and is signed by a DOC representative. Id. at 45. Regardless, the Parole Stipulations unambiguously state that Hardiman was required to register as a sex offender, and Hardiman did sign the Parole Stipulations at the time he was placed on parole.

When released on parole, Hardiman initially registered as a sex offender with the St. Joseph County Sheriff's Department. When Hardiman moved, he did not update his registration. When he moved a second time, he called the Sheriff's Department to inform them of his change of address, but specifically refused to go to the Department's offices to complete the updated registration form.

On October 19, 2004, a Parole Violation Report was issued which alleged that Hardiman had violated the conditions of his parole in various ways, including: changing residence without prior approval; failing to remain gainfully employed; failing to register as a sex offender; being at a park without permission; and committing the offense of Class D felony stalking. On February 24, 2005, Hardiman pleaded guilty to a charge of failing to register as a sex offender. Based partially on this conviction, Hardiman's parole was revoked on May 5, 2004.

Instead of appealing or pursuing post-conviction relief, Hardiman filed a *pro se* complaint on March 20, 2006. The Defendants filed a motion to dismiss and for summary judgment on April 12, 2006. Hardiman then sought and received permission to file an amended complaint. The Defendants subsequently filed another motion to dismiss and motion for summary judgment on June 6, 2006. Hardiman, now represented by counsel, filed his response on September 7, 2006. The trial court granted summary judgment to the Defendants on May 29, 2008. Hardiman now appeals.

Discussion and Decision

Hardiman appeals the trial court's grant of summary judgment to the Defendants. Upon review of a trial court's decision on summary judgment, our standard of review is well settled: summary judgment is appropriate only where the designated evidence reveals no genuine issues of material fact for trial and the moving party is entitled to judgment as a matter of law. Ind. Trial Rule 56(C); Garneau v. Bush, 838 N.E.2d 1134, 1140 (Ind. Ct. App. 2005), trans. denied.

Hardiman claims that the trial court's grant of summary judgment to the Defendants was improper because it was based on the erroneous conclusion that his complaint sounds in false imprisonment. Hardiman asserts that his claim is instead one for negligent or fraudulent misrepresentation. Regardless of whether his complaint sounds in false imprisonment or in negligent or fraudulent misrepresentation, Hardiman's claim for relief can be boiled down to this: he alleges that the DOC's Registration Notification falsely[1] informed him that he did not have to register as a sex offender, and because he relied on this misinformation to his detriment, he should be able to recover damages.

As noted, Hardiman submitted two copies of the Registration Notification to the trial court: one had the words "after 30 June 1994" marked out and the other did not. Hardiman therefore claims that there is a genuine issue of material fact with regard to whether he was properly informed of his obligation to register as a sex offender. However, this completely ignores the unambiguous statement in the Parole Stipulations, signed by Hardiman, that he "shall register with local law enforcement authorities as a sex offender[.]" Appellant's App. p. 47.

We conclude that there is no genuine issue of material fact with regard to whether Hardiman was properly informed of his obligation to register as a sex offender. He was. The trial court did not err in granting summary judgment in favor of the Defendants.

Affirmed.

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[1] Hardiman does not deny that the statues in effect at the time he was released on probation required him to register as a sex offender.

RILEY, J., and KIRSCH, J., concur.