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APPELLANT PRO SE:

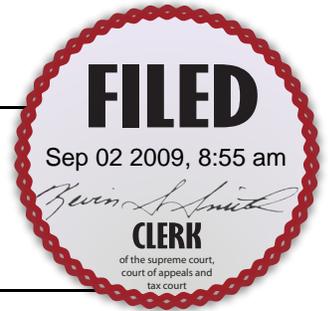
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**IN THE
COURT OF APPEALS OF INDIANA**



VANCE GENE BRIDGEMON,)

Appellant-Defendant,)

vs.)

No. 46A03-0811-PC-553

STATE OF INDIANA,)

Appellee-Plaintiff.)

APPEAL FROM THE LAPORTE SUPERIOR COURT
The Honorable Don E. Harner, Judge
Cause No. 46D01-0601-FB-014
Cause No. 46D01-0605-FB-088

September 2, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

FRIEDLANDER, Judge

Vance Gene Bridgemon, pro se, appeals the denial of his petition for post-conviction relief. He presents four issues on appeal, which we consolidate and restate as the following issue: Did the post-conviction court err by denying the petition?

We affirm.

The facts that follow are gleaned from the scant and incomplete record with which Bridgemon has provided us. The instant case arises from two separate robberies. On January 14, 2006, Bridgemon and Ronald Felder robbed a business located on North State Road 39 in LaPorte County, Indiana. Bridgemon entered the business with a BB gun and robbed the store of cash and cigarettes. Ten days later, after the two talked about “making money or getting money”, Bridgemon dropped Felder off at a similar business across the highway from the previous robbery. *Guilty Plea Hearing Transcript* at 19. Felder promptly went inside and robbed the business while armed with a BB gun. When Felder ran out of the store with the BB gun and entered the car, he advised Bridgemon that “he had the money.” *Id.* at 21. Bridgemon drove them away in an effort to avoid their apprehension by the police. Bridgemon was subsequently charged under two separate cause numbers, 46D01-0601-FB-014 (Cause 014) for the latter incident and 46D01-0605-FB-088 (Cause 088) for the former.

On July 20, 2006, Bridgemon pleaded guilty, pursuant to a plea agreement, to two counts of class B felony robbery while armed with a deadly weapon. Bridgemon, a seasoned criminal defendant, represented himself at the guilty plea hearing, as well as in all proceedings since. At the beginning of the hearing, Bridgemon stated that he accepted the plea agreement with “some objections” that he wished to argue at the sentencing hearing. *Id.*

at 1. The trial court went to great lengths to inquire into Bridgemon's objections and to make sure Bridgemon was not attempting to maintain his innocence while at the same time pleading guilty. In response to the court's inquiries, Bridgemon indicated that he wanted to raise his alleged lack of discovery with respect to Cause 088 at sentencing "in a mitigating fashion." *Id.* at 5. When questioned further by the court, Bridgemon emphasized, "I didn't say I didn't do it." *Id.* at 6. Bridgemon unambiguously indicated on multiple occasions during the hearing that he understood that by pleading guilty he was admitting that he committed both offenses.

Later during the hearing Bridgemon attempted to quibble with the allegation that a deadly weapon was used, noting that it was only a BB gun. Bridgemon, however, abandoned his protest when the court informed him of well-established law to the contrary. *See, e.g., Davis v. State*, 835 N.E.2d 1102, 1112 (Ind. Ct. App. 2005) ("[a]lthough not firearms, pellet or BB guns can be considered deadly weapons"), *trans. denied*. Bridgemon then reaffirmed that he was admitting the material facts in the charging informations.

Bridgemon created some confusion while the factual basis was being established for Cause 088. When the prosecutor indicated that there no longer appeared to be a plea, the following occurred:

THE COURT: You didn't rob The Smoke Shop?
DEFENDANT: No. I didn't state that we didn't rob The Smoke Shop.
 He stated – he asked if we discussed robbing it before or when we arrived there, and that's not true. Mr. Felder stated in his statements that I pushed him towards robbing the place, but I did not.

Id. at 19-20. Bridgemon proceeded to admit the facts as set out above with respect to both

causes. The court then found that the plea was freely and voluntarily made and that a factual basis existed for Bridgemon's plea of guilty as to both charges. The court took the matter under advisement until the sentencing hearing.

On August 22, 2006, Bridgemon filed a motion to withdraw his guilty plea. Bridgemon, however, withdrew that motion at his sentencing hearing on August 24 and reasserted his desire to plead guilty. The trial court accepted the guilty plea at the sentencing hearing and subsequently sentenced Bridgemon to consecutive terms of twelve years in prison on each conviction.

Sometime thereafter, Bridgemon filed the instant petition for post-conviction relief (the PCR petition), which apparently alleged multiple grounds for relief.¹ An evidentiary hearing on the PCR petition was held on September 10, 2008, at which he abandoned all issues other than those related to his guilty plea. The post-conviction court denied Bridgemon's request for relief on October 8, 2008. Bridgemon now appeals.

In a post-conviction proceeding, the petitioner must establish the grounds for relief by a preponderance of the evidence. Ind. Post-Conviction Rule 1(5); *Wesley v. State*, 788 N.E.2d 1247 (Ind. 2003). When challenging the denial of post-conviction relief, the petitioner appeals a negative judgment, and in doing so faces a rigorous standard of review. *Wesley v. State*, 788 N.E.2d 1247. To prevail, the petitioner must convince this court that the evidence leads unerringly and unmistakably to a decision opposite that reached by the post-conviction court. *Id.* We will disturb the post-conviction court's decision only where the

¹ Bridgemon has not provided us with his PCR petition or a transcript of the PCR hearing.

evidence is without conflict and leads to but one conclusion and the post-conviction court reached the opposite conclusion. *Id.*

We additionally observe that pro-se litigants such as Bridgemon are held to the same standard as trained legal counsel and are required to follow procedural rules. *Evans v. State*, 809 N.E.2d 338 (Ind. Ct. App. 2004), *trans. denied*. Among other things, an appellant has a duty to provide this court with materials, via an appendix, transcripts, and exhibits, which reflect the errors alleged and permit this court to fully review the issue. *See Williams v. State*, 690 N.E.2d 162 (Ind. 1997). Providing materials that are not adequate to permit review results in waiver of the issue. *Id.*

In the instant case, not only are Bridgemon's pro-se appellate arguments incoherent and often supported by no authority, he has provided us with an incomplete record on which to review his various claims. Bridgemon has not included, inter alia, the Chronological Case Summary from either cause, his PCR petition, his motion to withdraw guilty plea, or the transcripts from the August 24, 2006 sentencing hearing or the PCR hearing. Further, to the extent we can decipher his arguments regarding the validity of his guilty plea, we conclude that they are entirely without merit. Contrary to his argument on appeal, the transcript of the guilty plea hearing reveals that Bridgemon did not attempt to maintain his innocence while simultaneously pleading guilty. Rather, Bridgemon admitted his involvement in both robberies as set forth above and specifically acknowledged that both crimes were committed with the use of a BB gun. Bridgemon has failed to establish error.

Judgment affirmed.

BAKER, C.J., and RILEY, J., concur.