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APPELLANT PRO-SE:

NORMAN TRENT
Plainfield, Indiana

ATTORNEYS FOR APPELLEE:

GREGORY F. ZOELLER
Attorney General of Indiana

GEORGE P. SHERMAN
Deputy Attorney General
Indianapolis, Indiana

IN THE
COURT OF APPEALS OF INDIANA

NORMAN TRENT,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 54A01-1104-CR-172
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE MONTGOMERYCIRCUIT COURT
The Honorable Harry A. Siamas, Judge
Cause No. 54C01-0202-FA-22

October 26, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

BAKER, Judge

Appellant-defendant Norman Trent appeals the trial court's denial of his motion to correct abstract of judgment. Trent essentially argues that the Indiana Department of Correction (DOC) has miscalculated his release date and is holding him in violation of the law. Concluding that the trial court properly denied Trent's motion, we affirm.

FACTS[1]

On October 21, 2002, Trent pleaded guilty to class B felony attempted dealing in methamphetamine. The trial court sentenced Trent to twelve years in the DOC with eight years executed and four years suspended to probation with all to run consecutively to a sentence from a prior conviction.

On June 16, 2006, Trent was released to a community transition program. The State filed a petition to revoke Trent's probation, which the trial court granted on September 25, 2007. The trial court ordered Trent to serve the remainder of his twelve-year sentence in the DOC and issued a new abstract of judgment. On September 18, 2008, the trial court re-released Trent to a community transition program.

On March 14, 2011, Trent, by counsel, filed a motion to amend abstract of judgment in an effort to compel the DOC to recalculate Trent's release date. In its order denying the motion, the trial court recounted the series of repetitive motions that Trent had previously filed all raising the same issues as the current motion to amend abstract of

[1] We note that on August 18, 2011, Trent filed a motion for expedited consideration of appeal. Also, on September 14, 2011, he filed a Trial Rule 12 (E) motion for leave for a more definite statement. We deny both requests.

judgment. As a result of the repetitive motions, the trial court denied the present motion pursuant to Indiana Trial Rule 53.4 and Criminal Rule 21. Trent now appeals.

DISCUSSION AND DECISION

Trent contends that the trial court erred when it denied his motion to correct abstract of judgment. Specifically, he argues that the trial court should have granted his motion because the DOC has incorrectly calculated his release date as a result of his abstract of judgment and is now holding him in violation of the law.

We initially observe that Trent's motion to amend the abstract of judgment is tantamount to a motion to correct erroneous sentence. See Brattain v. State, 777 N.E.2d 774, 776 (Ind. Ct. App. 2002) (holding that a request for credit for time served was, in essence, a motion to correct erroneous sentence). A prisoner who files a motion to correct an erroneous sentence for any reason must first demonstrate that he has exhausted the remedies available through the offender grievance process. Neff v. State, 888 N.E.2d 1249, 1252 (Ind. 2008). Trent failed to provide this Court with any evidence that he exhausted his administrative remedies other than a bald, self-serving statement in his original motion in which he claims to have done so. Thus, Trent has failed to demonstrate that he exhausted the remedies as required by Neff. Id. As a result, we conclude that the trial court properly denied Trent's motion.

The judgment of the trial court is affirmed.

KIRSCH, J., and BROWN, J., concur.