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IN THE COURT OF APPEALS OF INDIANA

STEPHEN GRADY,	)	
	)	
Appellant,	)	
	)	
vs.	)	No. 34A04-1011-CR-669
	)	
STATE OF INDIANA,	)	
	)	
Appellee.	)	

APPEAL FROM THE HOWARD SUPERIOR COURT
The Honorable William Menges, Jr., Judge
Cause No. 34D01-0906-FB-579

October 26, 2011

MEMORANDUM DECISION – NOT FOR PUBLICATION

MATHIAS, Judge

Stephen Grady ("Grady") appeals the Howard Superior Court's denial of his motion for jail time credit, claiming that the trial court was statutorily required to grant him credit. Concluding that Grady has not presented us with an adequate record to support his claim, we affirm.

Facts and Procedural History

On June 21, 2009, Grady was arrested in Howard County for being in possession of cocaine and paraphernalia and also for having an active warrant for his arrest in Delaware County. On June 22, 2009, the State charged Grady with Class B felony possession of cocaine and Class A misdemeanor possession of paraphernalia.

On June 23, 2010, Grady pleaded guilty in Howard County to Class D felony possession of cocaine, and the State agreed to dismiss the Class A misdemeanor charge. The trial court then sentenced Grady to three years executed. The relevant portion of the trial court's sentencing order states:

> The Sentence imposed in this cause and the sentences imposed in cause numbers 34C01-0607-FD-00159, 29D01-0901-FD-0084 and any sentence imposed, if any, out of Delaware County shall run consecutively, that is one after the other.
>
> The Defendant has jail credit time in the sum of 0 actual days or 0 credit days, day for day credit, serving while awaiting trial and disposition in this matter.

Appellant's App. p. 5.

On September 30, 2010, Grady filed a pro se motion for jail time credit, claiming that he was in jail for 367 days and was therefore entitled to credit for 734 days total credit. The trial court denied Grady's motion on that same day. Grady now appeals.

Discussion and Decision

A person imprisoned for a crime or confined awaiting trial or sentencing is assigned to Class I and, based upon that classification, earns one day of credit time for each day he is confined. Ind. Code § 35-50-6-3 (2004 & Supp. 2011); Ind. Code § 35-50-6-4(a) (2004 & Supp. 2011). "Determination of a defendant's pretrial credit is dependent upon (1) pretrial confinement, and (2) the pretrial confinement being a result of the criminal charge for which sentence is being imposed." Hall v. State, 944 N.E.2d 538, 542 (Ind. Ct. App. 2011), trans. denied (citations omitted). Pre-sentence jail time credit is a matter of statutory right, not a matter of judicial discretion. Id.

But a defendant seeking credit on sentences that were imposed in separate cases but ordered to be served consecutively 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); see also Bennett v. State, 802 N.E.2d 919, 922 (Ind. 2004) (holding that "where a defendant is confined during the same time period for multiple offenses for which he is convicted and sentenced to consecutive terms, credit time is applied against the aggregate sentence, not against each individual sentence.").

Here, the sentence the trial court imposed in the present case was ordered to run consecutively to the sentences he received in other cases in Howard and Hamilton counties and any sentence he might receive in Delaware County. Thus, if Grady was

incarcerated awaiting trial on all of these charges, he is not entitled to credit time on all of his consecutive sentences. See Bennett, 802 N.E.2d at 922; French, 754 N.E.2d at 17.

Grady, however, has failed to present us with an adequate record to support his claims. For instance, he claims that he was incarcerated in jail from June 21, 2008 to June 23, 2010, but he has given us no citation to any portion of the record to support his claim. It is not our duty to search the record for materials supporting Grady's claims. See Legacy Healthcare, Inc. v. Barnes & Thornburg, 837 N.E.2d 619, 639 n.29 (Ind. Ct. App. 2005) (noting that court would not scour the record in search of evidence to support appellant's claims), trans. denied.

Even if Grady's claim regarding his incarceration is true, he does not explain why he is entitled to jail time credit on the sentence imposed in the instant case rather than on one of the other consecutive sentences. That is, he has failed to show that he was not given jail time credit when he was sentenced in the other cases. If he was given jail time credit in those cases, then he is not entitled to credit in the present case because the sentence in the present case was ordered to run consecutive to those sentences.[1] Indeed, Grady claims that the trial court here told him to apply for credit in Hamilton County.[2]

We recognize that Grady is proceeding pro se. But it is well established that pro se litigants are held to the same standards as trained counsel. Evans v. State, 809 N.E.2d 338, 344 (Ind. Ct. App. 2004). Because Grady has not provided us with sufficient

[1] Of course, if Grady did not receive any jail time credit in these other cases, then he may well be entitled to credit in the present case. But based on the record before us, we are unable to make such a determination.

[2] This claim is again unsupported by the record, as Grady did not request a transcript to be prepared in this appeal.

materials on appeal to support his claim that the trial court erred in denying his motion for jail time credit, we affirm the trial court's denial of Grady's motion. See Thompson v. State, 761 N.E.2d 467, 471 (Ind. Ct. App. 2002) (concluding that defendant who claimed that he was improperly denied jail time credit failed to support his claim with an adequate record clearly showing the alleged error).

Affirmed.

BAILEY, J., and CRONE, J., concur.