

In the Indiana Supreme Court

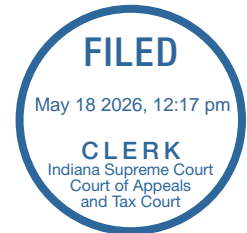
Timothy Marcus Mayberry,
Appellant,

v.

Indiana Department of Correction,
Appellee.

Court of Appeals Case No.
25A-CT-2550

Trial Court Case No.
77C01-2203-CT-125



Published Order

This matter comes before the Court on a petition to transfer jurisdiction under Indiana Appellate Rule 57. The trial court dismissed Mayberry’s case with prejudice on September 29, 2025. Mayberry filed a Notice of Appeal on October 2. On October 10, the Sullivan County clerk filed an amended notice of completion of clerk’s record noting no transcript was requested, making Mayberry’s opening brief due Monday, November 10. *See* Ind. App. R. 45.

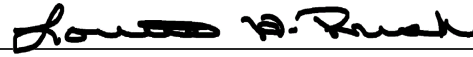
The Court of Appeals dismissed Mayberry’s appeal with prejudice on December 9, concluding Mayberry failed to timely file his appellant’s brief. Meanwhile, Mayberry sent correspondence to the Court of Appeals representing that he mailed his appellant’s brief and appendix from the Indiana State Prison on October 30, 2025. Mayberry included a copy of a “Request for Remittance” form bearing an “OCT 30, 2025” “mailed from” date. The Court of Appeals ordered the Appellate Clerk to file Mayberry’s correspondence, but denied any relief requested therein. The Court of Appeals also denied Mayberry’s motion to reconsider on January 6, 2026, and denied his motion to file a belated brief on January 21.

In *Dowell v. State*, this Court adopted the “prison mailbox rule,” which finds that a document is timely filed if the prisoner can provide “reasonable, legitimate, and verifiable documentation supporting a claim that a document was timely submitted to prison officials for mailing.” 922 N.E.2d 605, 607 (Ind. 2010). This Court has previously determined that sufficient documentation may include “a Notice of Remittance from the Indiana State Prison ... with a ‘mailed from’ stamp” bearing a pre-deadline date. *See Drogosz v. Allen*, 257 N.E.3d 806, 807 (Ind. 2025) (published order).

Mayberry’s correspondence to the Court of Appeals includes a “Request for Remittance” from the Indiana State Prison listing Mayberry’s “APPEAL BRIEF + APPENDIX” with an October 30, 2025 “mailed from” stamp. And in response to Mayberry’s transfer petition, the Department of Correction concedes “Mayberry provided verifiable documentation supporting his claim that he timely submitted his brief ... under Indiana’s prison mailbox rule.”

Being duly advised, the Court GRANTS transfer, VACATES the December 9, 2025 order dismissing this appeal, and REMANDS the case to the Court of Appeals with instructions to file Mayberry's brief and appendix or set a deadline for Mayberry to submit rule-compliant filings. This Court expresses no opinion on the merits.

Done at Indianapolis, Indiana, on 5/18/2026.



Loretta H. Rush
Chief Justice of Indiana

All Justices concur.