

In the  
Indiana Supreme Court

Morice Ervin,  
Appellant,

v.

State of Indiana,  
Appellee.

Court of Appeals Case No.  
22A-PC-2357

Trial Court Case No.  
49D27-1907-PC-26686

FILED

Nov 28 2023, 1:03 pm

CLERK  
Indiana Supreme Court  
Court of Appeals  
and Tax Court

Order

The post-conviction court issued its order denying Appellant post-conviction relief on January 4, 2022. After untimely filing his notice of appeal, and later requesting two extensions of time, Appellant's brief was due by February 13, 2023. On April 24, 2023, the Court of Appeals dismissed Appellant's appeal. The Court of Appeals denied Appellant's petition for rehearing on June 29, 2023, thus making a petition to transfer due by July 31, 2023. *See* Appellate Rules 25, 57(C)(2).

On November 14, 2023, Appellant filed his "Request to File Belated Motion for Transfer." In support, Appellant states: (1) he is an inmate at Wabash Valley Correctional Facility; (2) the facility experienced problems with the law library that prevented Appellant from accessing his legal materials; and (3) the delay was caused through no fault of Appellant's. Appellant contemporaneously tendered his uncorrected petition to transfer pursuant to a prior-issued notice of defect.

Appellate Rules 35(C) and 57(C), (D), and (E) provide that no extensions of time will be granted to file a petition to transfer, a brief in response to a petition to transfer, or a reply to a brief in response to a petition to transfer. Because Appellant has not shown the untimeliness was outside of his control, this is not the type of extraordinary circumstance in which the Court might otherwise consider deviating from our unambiguous rules.

Being duly advised, the Court DENIES Appellant's "Request to File Belated Motion for Transfer." This appeal is at an end.

Done at Indianapolis, Indiana, on 11/28/2023.

Loretta H. Rush

Loretta H. Rush  
Chief Justice of Indiana

"Exhibit E"

NO.: \_\_\_\_\_

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**IN THE**  
**SUPREME COURT OF THE UNITED STATES**

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Morice Ervin - Petitioner;

v.

State of Indiana - Respondent(s);

**ON PETITION FOR WRIT OF CERTIORARI TO**  
**UNITED STATES SUPREME COURT**

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**APPENDIX OF PETITIONER**

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Attorney for Petitioner:

Morice Ervin, Petitioner, *pro se*  
DOC # 110724  
P.O. BOX 1111  
CARLISLE, IN 47838

## **INDEX OF APPENDIX**

Appendix A - Order on Appeal

Appendix B - Order on Petition for Rehearing

Appendix C - Order on Post-Conviction Relief

Appendix D - Order on Direct Appeal

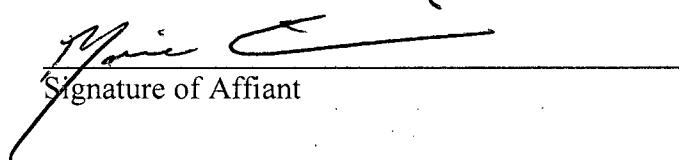
Appendix E - Order on Transfer

Appendix F - Abstract of Judgment

Appendix G – Chronological Case Summary

## **AFFIRMATION**

I, Morice Ervin, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing petition; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this motion; and that the matters and allegations therein set forth are true.

  
Signature of Affiant

STATE OF INDIANA )  
COUNTY OF Sullivan )  
 ) SS:

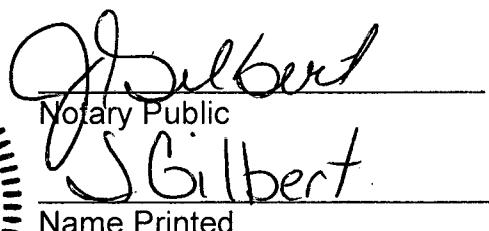
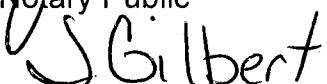
Subscribed and sworn to before me, a Notary Public, this 10 day of  
January, 2024.

My Commission Expires:

4/14/27  
mo. day year

Sullivan  
County of Residence



  
Notary Public  
  
Name Printed