

In the
Indiana Supreme Court

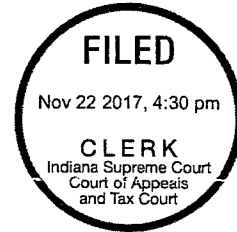
Steven A. Wright,
Appellant,

v.

State of Indiana,
Appellee.

Court of Appeals Case No.
20A03-1004-CR-233

Trial Court Case No.
20D03-0906-FA-36



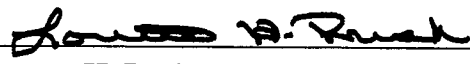
Order

Appellant *pro se* moves this Court for leave to file a belated petition to transfer from the Court of Appeals' March 28, 2011 memorandum decision in this appeal. His verified motion admits his appellate counsel advised him by letter of the same date that she would not seek rehearing or transfer and that the deadline to do so was 30 days. But he states he did not receive the letter "until many days . . . afterwards" because he was held in the Elkhart County Jail and "was restricted from any access to legal matter." He further asserts that because counsel did not file a motion to withdraw, he "would not have had current standing to file the request for transfer and it would have been summarily denied," so that the failure to seek transfer was "through no fault of his own." Finally, he asserts he has been diligent in attempting to seek transfer belatedly.

Appellant's assertion that he could not have pursued transfer *pro se* is mistaken—a *pro se* petition to transfer may be granted even if appellate counsel has not withdrawn. For instance, in Dowell v. State, 873 N.E.2d 59 (Ind. 2007), we granted a *pro se* petition to transfer of an appellant whose counsel had not withdrawn. See Dowell I (docket), No. 32A01-0606-CR-00263, available at <https://publicaccess.courts.in.gov/docket/Search/Detail?casenumber=32A01-0606-CR-00263> (last visited Nov. 22, 2017). Further, the significant docket activity in this case since April 2012—by Appellant *pro se* and various attorneys on his behalf—belies his claim of diligence. His motion offers no persuasive justification for why he needed six and a half years to seek transfer.

Being duly advised, the Court DENIES Appellant's "Motion to File Belated Petition to Transfer."

Done at Indianapolis, Indiana, on 11/22/2017.


Loretta H. Rush
Chief Justice of Indiana

**Additional material
from this filing is
available in the
Clerk's Office.**