

**Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.**

APPELLANT PRO SE:

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Bunker Hill, Indiana

ATTORNEYS FOR APPELLEE:

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**IN THE  
COURT OF APPEALS OF INDIANA**

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RICHARD A. OSTRANDER, )

Appellant-Petitioner, )

vs. )

STATE OF INDIANA, )

Appellee-Respondent. )

No. 57A04-0605-PC-247

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APPEAL FROM THE NOBLE SUPERIOR COURT  
The Honorable Stephen S. Spindler, Judge  
Cause No. 57D01-0204-FD-126

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**March 29, 2007**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**BAKER, Chief Judge**

Appellant-petitioner Richard A. Ostrander challenges the denial of his petition for post-conviction relief. Specifically, Ostrander argues that (1) his plea agreement violated the principle of double jeopardy, (2) he did not voluntarily, knowingly, or intelligently enter into the plea agreement, and (3) he received ineffective assistance of trial counsel. Concluding that Ostrander has not provided a record adequate for our review, we affirm the judgment of the post-conviction court.

### FACTS

On April 15, 2002, the State charged Ostrander with class D felony theft. On February 13, 2003, Ostrander pleaded guilty. That same day, the trial court sentenced Ostrander to three years imprisonment, to run consecutively to his sentences in two other cause numbers, 57D01-9902-DF-44 and 57C01-0204-FB-16.

Ostrander filed a petition for post-conviction relief on February 21, 2006. The post-conviction court summarily denied his petition that same day. Ostrander now appeals.

### DISCUSSION AND DECISION

On appeal from the denial of a petition for post-conviction relief, the burden is on the petitioner to provide a record adequate for review. Lile v. State, 671 N.E.2d 1190, 1193 (Ind. Ct. App. 1996). We will disturb the post-conviction court's decision only if the evidence is without conflict, leads to one conclusion, and the post-conviction court has reached the opposite conclusion. Emerson v. State, 695 N.E.2d 912, 915 (Ind. 1998).

Ostrander’s record on appeal<sup>1</sup> does not include his post-conviction petition or the post-conviction court’s order denying his petition. As the State argues, it “remains unclear . . . whether the issues raised now on appeal constitute the same issues raised in [Ostrander’s] petition for post-conviction relief.” Appellee’s Br. p. 5. Notwithstanding the arguments Ostrander makes in his brief, the only information we have regarding the underlying proceeding is a notation in the chronological case summary that Ostrander filed a petition for post-conviction relief and that the “[p]etition is denied.” Appellant’s App. p. 3. Because Ostrander does not present a record adequate for review, we cannot conclude that the post-conviction court erred in denying his petition.

The judgment of the post-conviction court is affirmed.

DARDEN, J., and ROBB, J., concur.

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<sup>1</sup> Ostrander’s appendix includes the chronological case summary, the charging information for the underlying offense, and the transcript from the trial court’s plea agreement hearing.