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**IN THE
COURT OF APPEALS OF INDIANA**

RANDY BOLIN, JR.,)
)
Appellant-Defendant,)
)
vs.) No. 62A01-0702-CR-73
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

APPEAL FROM THE PERRY CIRCUIT COURT
The Honorable Lucy Goffinet, Judge
Cause No. 62C01-0408-FD-606

July 27, 2007

MEMORANDUM DECISION – NOT FOR PUBLICATION

CRONE, Judge

Case Summary

Randy Bolin, Jr. appeals the trial court's denial of his motion to correct error. We dismiss Bolin's appeal as untimely filed.

Facts and Procedural History

On July 27, 2004, Bolin was arrested following a car chase. On August 3, 2004, the State charged him with class D felony assisting a criminal, class D felony resisting law enforcement, class D felony operating a vehicle while intoxicated endangering a person, class A misdemeanor driving while suspended, and class D felony operating a vehicle with a BAC of .08 or more. On February 9, 2005, pursuant to a plea agreement, Bolin pled guilty to the first four charges, and the State dropped the fifth charge. On the same date, the trial court sentenced Bolin to three consecutive eighteen-month sentences for the class D felony convictions and a one-year concurrent sentence for the class A misdemeanor conviction. This was the sentence recommended by the State pursuant to the plea agreement.

On July 20, 2005, Bolin filed a "motion to run sentences concurrent," which the trial court denied on July 27, 2005. On February 24, 2006, he filed a "motion to correct sentence to be served concurrent," which the trial court denied on March 1, 2006. On December 11, 2006, Bolin filed a motion to correct erroneous sentence, which the trial court denied on December 12, 2006. On December 18, 2006, he filed another motion to correct erroneous sentence, which the trial court denied on December 19, 2006. Bolin filed a notice of appeal on January 26, 2007.

Discussion and Decision

The motion to correct error appealed by Bolin is the fourth one that he has filed with

the trial court since his sentencing on February 9, 2005. As noted by the trial court, Bolin requested “essentially the same relief” in each motion. *See* Appellant’s App. at 28, 33, 37. Bolin did not appeal the denials of his first, second, and third motion to correct error. Repetitive motions generally do not extend a party’s deadline for filing his notice of appeal. *See* Ind. Trial Rule 53.4(A) (“**Repetitive motions and motions to reconsider ruling on a motion.** No hearing shall be required upon a repetitive motion or upon motions to reconsider order or rulings upon a motion. Such a motion by any party of the court or such action to reconsider by the court shall not delay the trial or any proceeding in the case, or extend the time for any further required or permitted action, motion, or proceeding under these rules.”) Indiana Appellate Rule 9(A)(1) states in relevant part that a party must file his notice of appeal with the trial court clerk within thirty days after the trial court’s ruling on a motion to correct error. Rule 9(A)(5) provides that if the party fails to meet this deadline, then his right to appeal shall be forfeited.

The trial court denied Bolin’s first motion to correct error on July 27, 2005. Bolin argues in his reply brief that his notice should be deemed filed on January 5, 2007. Appellant’s Reply Br. at 2. Clearly, even if we were to agree with him as to the filing date, his notice of appeal was filed more than seventeen months after the denial of his first motion to correct error. Failure to timely file a praeceipe results in dismissal of the appeal. *Neville v. State*, 694 N.E.2d 296, 297 (Ind. Ct. App. 1998). This rule is mandatory. *Kelsey v. Nagy*, 410 N.E.2d 1333, 1334 (Ind. Ct. App. 1980). Accordingly, we dismiss Bolin’s appeal.

Dismissed.

BAKER, C. J., and FRIEDLANDER, J., concur.