

In the Indiana Supreme Court

Kortney Elzey,
Appellant,

v.

State of Indiana,
Appellee.

Supreme Court Case No.
24S-CR-436

Court of Appeals Case No.
23A-CR-3058

Trial Court Case Nos.
35C01-2001-F6-17
35C01-2102-F6-46
35C01-2102-F6-48
35C01-2110-F6-325
35C01-2309-PC-9



Order Inviting Amicus Curiae Briefing

The Court of Appeals issued a decision affirming the denial of Appellant's petition for post-conviction relief. It held in part that the court did not err by denying Appellant's request to refer his petition to the State Public Defender because Appellant was incarcerated in a county jail, not the Department of Correction. *Elzey v. State*, No. 23A-CR-3058 (Ind. Ct. App. Sept. 17, 2024) (mem.). This Court granted transfer on December 13, 2024, and plans to hold oral argument.

The Supreme Court invites amicus curiae briefing from the State Public Defender. Under Appellate Rule 41, the State Public Defender may file a motion for leave to appear as amicus and tender its proposed brief on or before **January 21, 2025**. Any amicus brief must not exceed 4,200 words, exclusive of the items listed in Appellate Rule 44(C), and must be accompanied by the verified statement of word count. *See* App. R. 44(F).

The parties may file a single response brief addressing the amicus brief, not exceeding 4,200 words; any such response brief must be filed on or before **February 5, 2025**, and must comply with Appellate Rule 44(C) and (F).

Done at Indianapolis, Indiana, on 12/16/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana

All Justices concur except Goff, J., who did not participate in the decision of this matter.