



INDIANA SUPREME COURT

200 W Washington St | Rm 216
Indianapolis, Indiana 46204

Office of Judicial Administration

COURTS.IN.GOV

Notice of Defect: Late Document

To: Daniel P. Brewington
[REDACTED]
[REDACTED]

Re:

Appellant's Brief

you must submit a new, corrected brief with all attachments,

Name of document

tendered on 02/05/18

for filing in Daniel P. Brewington v. State of Indiana, 15A04-1712-PC-2889.

Case name and cause number if applicable

The Clerk's Office has received your Appellant's Brief tendered on 02/05/18, for filing in the above-referenced appeal. Your document has not been filed because it has been tendered after its due date. See Appellate Rule 45(B).

If you wish to seek permission from the Court to file your document belatedly, please file a motion with the Court asking for permission to do so. Include with your motion the document you wish to file belatedly.

In addition to being late, we wish to notify you that the above-referenced document you tendered for filing is defective in the following respect(s):

Missing, Insufficient, or Incomplete Items

- The document lacks a certificate of service or the certificate of service is insufficient, *see* App. Rs. 24, 57(G)(7), 68(F);
- The document lacks a necessary word count certificate, *see* App. Rs. 34(G)(2), 44(E) & (F), 54(E), 57(G)(6);
- The document lacks a required signature and/or identifying information, *see* App. Rs. 23(E), 46(A)(9); 46(B), 68(H);
- The document lacks a required Table of Contents or Table of Authorities, *see* App. Rs. 46(A)(1) & (2), 46(B), 46(E)(1), 50(A)(2), 50(B)(1), 50(C), 51(D), 51(F), 54(F); 57(G)(2);
- You are proceeding *in forma pauperis*, the document being filed is the first document you are filing in the case after the filing of the Notice of Appeal, and you have failed to file the material required by Appellate Rule 40(C); namely one of the following: (1) the trial court's authorization allowing you to proceed *in forma pauperis*.

pauperis on appeal; (2) an affidavit stating that you were permitted to proceed *in forma pauperis* in the trial court and that the trial court has made no certification or finding revoking authorization to proceed *in forma pauperis* (see App. R. 40(A)(3)); or (3) a motion to the Court on Appeal to proceed *in forma pauperis*.

- The motion is an App. R. 40(A)(4) motion to the Court on Appeal to proceed *in forma pauperis* and lacks:
 - a copy of any affidavit supporting your request to proceed *in forma pauperis* that was filed in the trial court, or an affidavit conforming to Form #App. R. 40-2;
 - a copy of the order setting forth the trial court's reasons for denying your *in forma pauperis* status on appeal;
- The document is an Appearance and is missing information required by Appellate Rule 16(B);
- The document is an Appendix and does not contain a verification of accuracy, see App. Rs. 50(A)(2)(i), 50(B)(1)(f);
- The document is an Appellant's Brief and is not accompanied by a separate PDF of the trial court's written opinion, memorandum of decision, or findings of fact and conclusions relating to the issue(s) raised on appeal, see App. R. 46(A)(12); **Lacks appealed order.**
- The document is an Appellant's Brief in a criminal appeal in which the sentence is at issue and is not accompanied by a separate PDF of the sentencing order, see App. R. 46(A)(10);
- The document is a Petition To Transfer and does not contain a brief statement, set out by itself on the first page after the cover, identifying the issue, question, or precedent warranting transfer, see App. R. 57(G)(1);
- The document is a Petition for Review or brief in response thereto and does not contain a brief section entitled *Reasons for Granting or Denying Review*, set out by itself immediately before the *Argument* section, explaining why review should nor should not be granted, see App. R. 63(I).

Prohibited Items Included

- The document is an Appendix and contains argument or other material inappropriate for an Appendix, see App. Rs. 50(A), 50(B);
- The document is a Brief and contains additional documents that may not be contained within the Brief, see App. Rs. 46(F), 46(H);
- The document includes information excluded from public access and is not accompanied by a Notice to maintain Exclusion from Public Access, see App. R. 23(F)(3);

Other Defects

- One or more "form" violations exist with regard to one or more of the following:
 - Page Size, see App. R. 43(B) and/or, 54(F);
 - Document production, see App. Rs. 43(C), 51(A), and/or 54(F);
 - Spacing, see App. R. 43(E) and/or 54(F);
 - Page numbering, see App. Rs. 23(F)(3)(b), 34(G), 43(F) and/or 51(C);
 - Page headers, see App. Rs. 43(H) and/or 54(F); **Page headers must be left-justified.**

Front page content, *see* App. Rs. 43(I),51(E) and/or 54(F);

Binding, *see* App. Rs. 43(J),51(D) and/or54(F);

and/or

The document was conventionally filed but should have been electronically filed through the Indiana E-Filing System, *see* App. R. 68(C).

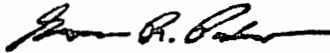
What We Have Done

Pursuant to a standing order of the Indiana Supreme Court dated May 10, 2017, the Clerk has “received” (but not filed, *see* App. R. 23(D)), the defective document and any copies.

What You Must Do

If you file a motion to file your document belatedly, you must cure the defects noted above, make proper service of the corrected document, and certify such with a new certificate of service pursuant to Appellate Rule 24. Any time period for other parties to respond to the defective document shall be computed from the date the corrected document is served, *see* App. Rs. 24, 25(C).

This notice gives you the opportunity to correct the defect(s) identified above.



Clerk of the Indiana Supreme Court, Court of Appeals,
and Tax Court

Date Issued: FEB 1 2 2018

cc: Curtis Hill, Attorney General

KF