

In the Indiana Supreme Court

Stephonn T. Sutton,
Appellant,

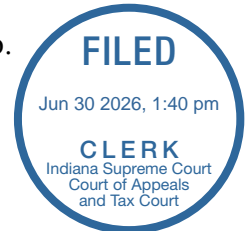
v.

State of Indiana,
Appellee.

Supreme Court Case No.
26S-CR-200

Court of Appeals Case No.
25A-CR-2463

Trial Court Case No.
20C01-2501-MR-1



Published Order

This matter comes before the Court on a petition to transfer jurisdiction under Indiana Appellate Rule 57. Appellant filed a Notice of Appeal on October 1, 2025. The Notice of Completion of Transcript was served on December 17, making Appellant's opening brief due January 16, 2026. *See* Ind. App. R. 45(B)(1).

On January 28, 2026, Appellant's counsel moved to file a belated brief, asserting that: (1) due to his workload, he had asked the Chief Public Defender to assign another attorney to the appeal; (2) on January 7, counsel was informed that the replacement attorney had entered his appearance and "would take it from here"; and (3) on January 27, counsel checked the docket and determined the attorney had never entered an appearance and Appellant's brief was overdue.

The Court of Appeals denied that motion and dismissed Appellant's appeal under Appellate Rule 45(D), terminating Appellant's direct appeal of his sentence. Appellant timely petitioned to transfer, and the Indiana Public Defender Commission filed an amicus brief in support of transfer.

Being duly advised, the Court votes to GRANT transfer, VACATE the February 6, 2026 order dismissing this appeal, and REMAND the case to the Court of Appeals to decide whether Sutton may belatedly perfect his appeal under Ind. Post-Conviction Rule 2, § 3. This Court expresses no opinion on that question.

Done at Indianapolis, Indiana, on 6/30/2026.

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

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.