

**DEFENDANT'S MOTION TO CERTIFY HIS VERIFIED STATEMENT OF THE
EVIDENCE PURSUANT TO INDIANA APPELLATE RULE 31**

Defendant [name], by pauper appellate counsel, and pursuant to an Order of the Indiana Court of Appeals and Indiana Appellate Rule 31, respectfully moves this Court to certify his verified statement of the evidence

1. On March 21, 2011, [name] was sentenced to an aggregate sentence of 95 years in the custody of the Department of Correction.

2. [name] filed his Notice of Appeal on April 18, 2011.

3. While reviewing the transcript in [name]' case, undersigned counsel came across un-transcribed sidebar conferences following which a State's Exhibit was admitted over the defense's objection.

4. Undersigned counsel has confirmed with the Court Reporter that the sidebars conferences are inaudible.

5. In order to fully preserve and present all potentially meritorious issues in [name]' appeal, undersigned counsel believes it necessary to prepare and have certified a Statement of the Evidence as to what was said during the inaudible sidebar in accordance with Indiana Appellate Rule 31.

6. Counsel sought, and was granted, a limited remand from the Court of Appeals for purposes of seeking a certified statement of the evidence from this Court as to the un-transcribed sidebar conferences.

7. Attached to this Motion is [name]' Verified Statement of the Evidence.

Wherefore, pursuant to Indiana Appellate Rule 31, [name] respectfully moved this Court

to certify the attached Verified Statement of Evidence of Inaudible Sidebars During Jury Trial and for all other just and proper relief.

Respectfully submitted,

VERIFICATION

I affirm, under the penalties for perjury, that the foregoing information is true and accurate to the best of my knowledge and belief.
