

Commonwealth Of Kentucky

Court of Appeals

NO. 1999-CA-000702-MR

FREDERICK AGYEMAN

APPELLANT

v. APPEAL FROM ANDERSON CIRCUIT COURT
HONORABLE WILLIAM F. STEWART, JUDGE
ACTION NO. 96-CR-00022

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** *

BEFORE: DYCHE, JOHNSON, AND SCHRODER, JUDGES.

DYCHE, JUDGE. Frederick Agyeman appeals the denial of his CR 59.02 motion to vacate the order denying his motion for prerelease probation. We affirm.

On February 3, 1998, Agyeman entered a plea of guilty to two counts of third-degree rape. On February 24, 1998, he was sentenced in accordance with his plea agreement with the Commonwealth to two years' imprisonment. On December 11, 1998,

he filed a motion for prerelease probation pursuant to KRS 439.470. That motion was denied on January 27, 1999. No appeal was taken from that order.

On February 8, 1999, he filed the present motion to vacate the January 27, 1999 order. That motion was denied on March 15, 1999. This appeal followed.

Agyeman raises three arguments on appeal, all relating to the denial of his motion for prerelease probation. The arguments are moot, as the prerelease probation statute was declared to be unconstitutional by the Kentucky Supreme Court in Prater v. Commonwealth, Ky., 82 S.W.3d 898 (2002). The order of the Anderson Circuit Court is affirmed.

ALL CONCUR.

APPELLANT *PRO SE*:

Frederick Agyeman
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BRIEF FOR APPELLEE:

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