

Commonwealth Of Kentucky

Court of Appeals

NO. 1999-CA-002778-MR

HARVEY WATTS

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE STEPHEN P. RYAN, JUDGE
ACTION NO. 97-CR-001503

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: BARBER, COMBS, AND PAISLEY, JUDGES.

BARBER, JUDGE: Appellant Harvey Watts appeals from the finding of the Jefferson Circuit Court that the sex offender treatment, notification and registration requirements found in KRS 17.500 et seq. applied to his case. Watts entered an "Alford" plea to charges of sex offenses. He asserts that as the charged offenses occurred prior to the effective date of the statutes at issue, the law should not be found to apply to him.

Watts argues that it was improper for the law to forbid him to be credited with "good time" until he completed a sex offender treatment program. KRS 197.045 provides that no good time credit shall be given to an individual sentenced as a sex offender until a sex offender treatment program is completed. The circuit court found that the law did apply to Watts, and that such application was not a prohibited ex post facto law.

Watts objects to the court's requirement that he be subject to a sex offender risk assessment upon release. He argues that the registration and notification provisions of the law are unconstitutional. The Kentucky Supreme Court has found that the law properly applies to persons pleading guilty, sentenced, or incarcerated at the time the law was enacted. Hyatt v. Commonwealth, Ky., 72 S.W.3d 566, 574 (2002); Martinez v. Commonwealth, Ky., 72 S.W.3d 581, 584 (2002). We affirm the determination of the Jefferson Circuit Court that the sex offender laws properly apply to the Appellant.

ALL CONCUR.

BRIEFS FOR APPELLANT:

Daniel T. Goyette
Jefferson District Public
Defender
Louisville, Kentucky

J. David Niehaus
Deputy Appellate Defender
Louisville, Kentucky

BRIEF FOR APPELLEE:

Albert B. Chandler III
Attorney General of Kentucky
Frankfort, Kentucky

Anitria M. Franklin
Assistant Attorney General
Frankfort, Kentucky