

Commonwealth Of Kentucky

Court of Appeals

NO. 2000-CA-000414-MR

ANTHONY STOVALL

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE LAURANCE B. VANMETER, JUDGE
INDICTMENT NO. 95-CR-00613

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: DYCHE AND MCANULTY, JUDGES; AND JOHN WOODS POTTER,
SPECIAL JUDGE.¹

DYCHE, JUDGE. In 1995 Anthony Stovall was convicted of fourth degree assault and attempted first degree rape. He was sentenced to five years' imprisonment. In November 1999, in anticipation of Stovall's February 2000 release, the Fayette Circuit Court ordered a Sexual Offender Risk Assessment.

¹ Senior Status Judge John Woods Potter sitting as Special Judge by Assignment of the Chief Justice pursuant to Section 110 (5)(b) of the Kentucky Constitution.

Stovall was determined to be at high risk for committing another sexual offense. He appeals.

Stovall first argues that application of the sex offender assessment and registration laws (Kentucky Revised Statutes [KRS] 17.510) was barred by constitutional double jeopardy and ex post facto protections. Unfortunately, this argument was expressly rejected in Hyatt v. Commonwealth, Ky., 72 S.W.3d 566, 571-573 (2000). The statute was properly applied to Stovall.

Stovall secondly asserts that the trial court erred in classifying appellant as a high risk offender. Stovall insists that the trial court did not give proper weight to all three tests administered to him. The record indicates that the trial court gave due consideration to all the evidence before it when making the final determination. KRS 17.570; Hyatt, supra at 575.

The order of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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