

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-000309-MR

WILLIAM HAGER

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE JOHN R. ADAMS, JUDGE
INDICTMENT NO. 01-CR-01023

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: BARBER, DYCHE, AND TACKETT, JUDGES.

DYCHE, JUDGE. William Hager was found guilty by a jury of ten counts of Criminal Possession of a Forged Instrument. The trial court ran those sentences concurrently, and then probated Hager. He now appeals, claiming that two comments in the prosecutor's closing arguments were improper, and he was thereby prejudiced. We disagree, and affirm.

Hager "found" several counterfeit \$50 bills in a motel room in Lexington. He successfully passed at least one of the bills, unsuccessfully attempted to pass another, and the other bills were ultimately given by him to the police. That much is uncontradicted.

The first comment Hager claims prejudiced him was made during the closing argument in the guilt phase of the trial, when the prosecutor said something to the effect of "What about the others?", referring to other potential or unreported victims of the scheme to defraud by means of the counterfeit bills. While it would have been better for such a comment not to have been made, we cannot say that the comments were improper or prejudicial to the extent that the ultimate result of the trial was affected.

The same can be said of the comment made during the penalty phase of the trial, concerning the fact that the bills were passed at Christmas-time, and that such a practice affected the entire community, especially during a time of a weakening economy. The worst that can be said about the remark is that it was irrelevant. Again, there was not sufficient prejudice to affect the overall result of the trial.

The judgment of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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