

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-001416-MR

WILLIAM L. KANNAMORE

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE ANN O'MALLEY SHAKE, JUDGE
ACTION NO. 93-CR-002331

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: EMBERTON, CHIEF JUDGE; BUCKINGHAM AND KNOPF, JUDGES.

BUCKINGHAM, JUDGE: William L. Kannamore appeals from an order of the Jefferson Circuit Court denying his CR¹ 60.02 motion. We affirm.

As a result of an indictment by a Jefferson County grand jury, on March 29, 1994, Kannamore pled guilty to murder, first-degree wanton endangerment, and second-degree assault. He was sentenced to life in prison. On July 10, 1996, Kannamore

¹ Kentucky Rules of Civil Procedure.

filed an RCr² 11.42 motion. The motion was denied, and this court affirmed the circuit court's order denying the motion.

On March 23, 2001, Kannamore filed a CR 60.02 motion to set aside the judgment and conviction. He argued that the attorney representing him in his appeal of the order denying his RCr 11.42 motion rendered ineffective assistance of counsel. Citing Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991), and holding that "a claim of constitutionally ineffective assistance of counsel in a post-conviction proceeding fails as a matter of law," the circuit court denied the motion. This appeal by Kannamore followed.

"Ineffective assistance of appellate counsel is not a cognizable issue in this jurisdiction." Lewis v. Commonwealth, Ky., 42 S.W.3d 605, 614 (2001), citing Hicks v. Commonwealth, Ky., 825 S.W.2d 280 (1992). Therefore, the circuit court correctly denied Kannamore's motion.

The order of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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² Kentucky Rules of Criminal Procedure.