

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-001462-MR

JOHNNY R. TARTER

APPELLANT

v. APPEAL FROM HARDIN CIRCUIT COURT
HONORABLE T. STEVEN BLAND, JUDGE
ACTION NO. 01-CR-00329

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** * * * * *

BEFORE: BAKER, GUIDUGLI AND PAISLEY, JUDGES.

PAISLEY, JUDGE. This is an appeal from a judgment entered by the Hardin Circuit Court after appellant entered an unconditional guilty plea. For the reasons stated hereafter, we affirm.

Appellant was indicted on two counts of first degree rape involving a twelve-year-old relative. Although appellant initially pleaded not guilty, he later entered a written guilty plea in exchange for the commonwealth's amendment of the charges

to two counts of second degree rape and its recommendation that appellant should be sentenced to consecutive five-year terms of imprisonment, with the second term probated. The record, including the videotape of the guilty plea and sentencing hearings, shows that appellant was represented by counsel, and that the court carefully explained the commonwealth's recommendation as well as the circumstances of the plea and the rights which would be waived by entry of a guilty plea. Appellant coherently responded to the court's questions, and he specifically waived his rights and indicated his desire to enter a guilty plea in accordance with the agreement. The court accepted appellant's plea and entered the recommended sentence. This appeal followed.

Appellant's appointed counsel on appeal subsequently filed motions with this court seeking to withdraw from representing him on appeal. This court eventually permitted counsel to file an Anders brief and to withdraw from representation, and appellant was provided sixty days in which to file a supplemental pro se brief. However, no such brief was ever filed.

Neither the Anders brief filed by appellant's appointed counsel nor the brief filed by the commonwealth raised any issues which could or should be addressed on appeal. Moreover, our review of the entire record shows that appellant

entered an unconditional guilty plea, that no postjudgment motions were filed, and that there is nothing on the face of the record to suggest in any way that appellant is entitled to any relief on appeal. That being so, we must affirm the trial court's judgment.

The court's judgment is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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