

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-002299-MR

VICTOR L. BIBB, JR.

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE LISABETH H. ABRAMSON, JUDGE
ACTION NO. 99-CR-002191

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * * * *

BEFORE: BUCKINGHAM, GUIDUGLI AND TACKETT, JUDGES.

TACKETT, JUDGE: Victor Bibb appeals from the decision of the Jefferson Circuit Court denying his motion for additional jail time credit. Bibb argues on appeal that the circuit court did not properly credit him with his total time spent in pretrial detention. The Commonwealth responds that during part of that time, Bibb was in fact serving a 270-day sentence for assault, and is not entitled to credit for that period of time. We affirm.

The record reflects that Bibb was in custody for a total of 754 days from arrest to sentencing on the offenses to

which he ultimately pled guilty, which included kidnapping, burglary in the first degree, receiving stolen property, and possession of cocaine. Among charges that were dismissed in the plea bargain was an offense of assault in the fourth degree against Ameika Johnson. According to supplemental briefs filed by the Commonwealth upon this Court's order, the district court record also indicates that Bibb pled guilty to a charge of assault in the fourth degree against one Carol D. Jackson. Bibb claims that he did not plead guilty separately to a charge of assault in the fourth degree, claiming that the charge was dismissed in the plea bargain. It is evident on a review of the record that in fact Bibb did enter a guilty plea to a separate and unrelated offense, and was serving time on that misdemeanor offense while awaiting trial on his various felony offenses.

Accordingly, the decision of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Victor L. Bibb, Jr., *Pro Se*
West Liberty, Kentucky

BRIEF FOR APPELLEE:

Albert B. Chandler, III
Attorney General of Kentucky

Rickie L. Pearson
Assistant Attorney General
Frankfort, Kentucky