

Commonwealth Of Kentucky

Court of Appeals

NO. 2002-CA-002492-MR

ADAM ALLI

APPELLANT

v. APPEAL FROM OLDHAM CIRCUIT COURT
HONORABLE PAUL. W. ROSENBLUM, JUDGE
ACTION NO. 02-CI-00482

WARDEN LARRY CHANDLER,
LUTHER LUCKETT CORRECTIONAL
COMPLEX, and THE KENTUCKY
DEPARTMENT OF CORRECTIONS

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: EMBERTON, CHIEF JUDGE; BAKER AND JOHNSON, JUDGES.

BAKER, JUDGE: Adam Alli brings this *pro se* appeal from an
October 3, 2002, order of the Oldham Circuit Court. We affirm.

Appellant is an inmate at the Luther Lockett
Correctional Complex. He was convicted of Unlawful Transaction
with a Minor in the First Degree and sentenced to five years'
imprisonment. Appellant was denied admittance into the sex
offender treatment program and, consequently, filed a Petition

for Declaration of Rights in the Oldham Circuit Court. Therein, he argued that he was improperly denied admittance into the program and, as a result, is being denied the right to earn statutory good-time credits. He also alleged that such denial into the program violates equal protection and subjects him to cruel and unusual punishment. The circuit court ultimately dismissed appellant's petition on October 3, 2002. This appeal follows.

Appellant contends the circuit court committed error by dismissing his petition for declaration of rights.

Specifically, appellant asserts:

ARGUMENT I.

Trial court erred in finding that appellant was denied entry into the SOTP program because he is currently not willing to accept responsibility for his prior conduct.

. . . .

ARGUMENT II.

Trial court erred in finding that KRS 439.34011 applied to the appellant, despite the fact that he was deemed an "ineligible" sex offender by the Department of Corrections. Via SOTP Program Staff.

We view appellant's contentions to be without merit.

In the record, there appears an affidavit from the sex offender treatment program's supervisor. The supervisor states that when appellant was interviewed for admission into the

program, he denied committing the offense for which he was serving time. It was because of this inability to admit responsibility for his conduct that appellant was denied admittance to the program. Thus, we are of the opinion that appellant was properly denied admittance into the program. Furthermore, Kentucky Revised Statute 196.4045(4) clearly provides that an individual who has not successfully completed a sex offender treatment program must serve his entire sentence "without benefit of good time, parole, or any form of early release." Upon the whole, we are of the opinion that the circuit court properly dismissed appellant's petition for declaration of rights.

For the foregoing reasons, the order of the Oldham Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT - *pro se*: NO BRIEF FILED FOR APPELLEE

Adam Alli
LaGrange, Kentucky