

**Commonwealth Of Kentucky**

**Court of Appeals**

NO. 2003-CA-000046-MR

RICHARD E. STINNETT

APPELLANT

v. APPEAL FROM WARREN CIRCUIT COURT  
HONORABLE JOHN D. MINTON JR., JUDGE  
ACTION NO. 01-CR-00076

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

\*\* \*\* \* \* \*

BEFORE: BARBER, SCHRODER AND TAYLOR, JUDGES.

TAYLOR, JUDGE: Richard E. Stinnett brings this *pro se* appeal from a December 23, 2002 order of the Warren Circuit Court. We affirm.

On February 7, 2001, a Warren County Grand Jury indicted appellant upon the offense of second degree escape and with being a second degree persistent felony offender. Pursuant to a plea bargain, appellant entered a guilty plea to second degree escape. On February 11, 2002, the circuit court

sentenced appellant to five years imprisonment. Thereafter, on December 12, 2002, appellant filed a *pro se* "Motion For Correction of Defendants P.S.I. [pre-sentence investigation report]." On December 23, 2002, the circuit court denied appellant's *pro se* motion, thus precipitating this appeal.

Appellant contends the circuit court improperly denied his motion to correct the pre-hearing investigation report without an evidentiary hearing.

Appellant's allegation on appeal centers around the veracity of certain statements made by Warren County Circuit Court Judge Tom Lewis; however, the pre-hearing sentence investigation report was not included in the record on appeal. Consequently, we are unable to review the factual contents of the report and to ultimately reach the merits of appellant's issue.

It is well established that appellant bears the burden to insure that the record on appeal includes so much of the circuit court record as is necessary for adequate review. See Fanelli v. Commonwealth, Ky., 423 S.W.2d 255 (1968). As the pre-hearing sentence investigation report was not included in the appellate record, we must presume that the factual contents of the report are accurate and support the decision of the circuit court. See Commonwealth v. Thompson, Ky., 697 S.W.2d 143 (1985).

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

ALL CONCUR.

BRIEF FOR APPELLANT:

Richard Stinnett, pro se  
Lagrange, Kentucky

BRIEF FOR APPELLEE:

Albert B. Chandler III  
Attorney General

Anitria M. Alo  
Assistant Attorney General  
Frankfort, Kentucky