

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-001300-MR

LARRY GENE ADAMS

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE MARY C. NOBLE, JUDGE
INDICTMENT NO. 02-CR-01138-2

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION

AFFIRMING

** ** * * *

BEFORE: BUCKINGHAM, DYCHE, AND TAYLOR, JUDGES.

DYCHE, JUDGE. Larry Gene Adams brings this appeal following his conditional plea of guilty (RCr 8.09) to trafficking in cocaine and giving a false name to the police. He was sentenced to five years' confinement on the felony and ninety days on the misdemeanor, to run concurrently. We affirm.

The Lexington Fayette Urban County police were running a drug investigation, using an informant to make controlled buys of illegal substances. Officers were within one

hundred yards or so of the point of contact between the informant and seller. A buy was made, and shortly thereafter both uniformed and plain-clothes police arrived on the scene to attempt to ascertain the identity of the seller.

During the investigation, Adams and a female attempted to leave the scene of the investigation. As a routine part of the investigation, to ascertain who might have been witnesses to the crime, an officer asked them their names. The female complied, but Adams gave a false name and a social security number which was three digits too long. Upon subsequent questioning, and being warned that giving a false name to the police was a crime, he again gave an incorrect name and social security number. He was then placed under arrest for giving the false name. KRS 523.110.

A search incident to his arrest revealed that he was in possession of cocaine and the \$40.00 marked "buy" money the police had given to the informant to make the drug purchase. His arrest followed, and he confessed to giving the drugs to the person who sold them to the informant.

After indictment, he moved to suppress the cocaine seized from his person, as well as the statement. The trial court conducted a hearing on the motion, denied it, and his conditional plea and this appeal followed. The sole issue on

appeal is whether the officer had reasonable grounds to stop Adams and inquire of him his name.

The intrusion upon Adams's liberty was extremely minimal. The officer testified that he had been instructed to obtain the name of everyone at the scene of the crime. This is not an unreasonable burden upon the potential witnesses. Adams's brief attempts to limit the investigative ability of the police to an almost instantaneous period following the commission of a crime. Although the exact time between the drug purchase and the questioning of Adams is not established in the record, we find nothing to indicate that the time was so lengthy as to be unreasonable. The findings of the Fayette Circuit Court are supported by the evidence in the record, and the motion to suppress was correctly denied.

The judgment of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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