

# Commonwealth Of Kentucky

## Court of Appeals

NO. 2003-CA-001678-MR

REIKE L. SHANNON

APPELLANT

APPEAL FROM MCCRACKEN CIRCUIT COURT  
v. HONORABLE R. JEFFREY HINES, JUDGE  
INDICTMENT NO. 77-CR-00048

COMMONWEALTH OF KENTUCKY

APPELLEE

### OPINION

### AFFIRMING

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BEFORE: DYCHE, McANULTY, AND SCHRODER, JUDGES.

DYCHE, JUDGE. In 1976, during the course of a burglary, Reike L. Shannon fatally stabbed Earl Bryant and Trixie McDonald. The following year an indictment was returned charging Shannon with two counts of capital murder. As the result of a plea bargain, Shannon received two life sentences for the deaths of Bryant and McDonald. Although the sentences were originally run consecutively, in 1981 they were amended to run "concurrently for a total term of one life sentence."

Shannon's conviction was affirmed on direct appeal to the Kentucky Supreme Court; he then filed a series of post-conviction motions, all of which were denied (other than the sentence amendment above).

His current appeal is from the order denying a CR 60.02 motion. The McCracken Circuit Court dismissed Shannon's motion for being not timely filed. Shannon does not explain his twenty-six year wait to file the CR 60.02 motion; he merely repeats his oft-heard argument that his sentence was "unlawful and unauthorized under KRS 507.020 and 532.030."

We have examined the record in its entirety and cannot come to a conclusion other than that reached by the trial court. All of Shannon's claims either were or could have been raised on direct appeal or in previous RCr 11.42 motions. Gross v. Commonwealth, Ky., 648 S.W.2d 853 (1983). Nor was this motion "made within a reasonable time." CR 60.02; Gross, supra; Ray v. Commonwealth, Ky. App., 633 S.W.2d 71 (1982).

The order of the McCracken Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

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BRIEF FOR APPELLEE:

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