

Commonwealth Of Kentucky

Court of Appeals

NO. 2004-CA-000054-MR

TROY ABRAMS, JR.

APPELLANT

v. APPEAL FROM MADISON CIRCUIT COURT
HONORABLE JULIA HYLTON ADAMS, JUDGE
ACTION NO. 02-CR-00113

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: BARBER, McANULTY, AND MINTON, JUDGES.

BARBER, JUDGE: Appellant, Troy Abrams, Jr. (Abrams), appeals, Pro Se, the denial of his motion to convert misdemeanor fines into a sentence of months to serve in jail. We affirm the trial court's ruling.

Abrams requested that the court convert the fines into a definite sentence, rather than requiring him to pay monetary penalties. Abrams also asked that the court have the sentence created from the fines run concurrently with the term he is already serving. Abrams cited case law and statutes

relevant to conversion of a misdemeanor fine to a jail sentence. The Madison Circuit Court denied Abrams' motion.

Abrams was convicted on two counts of assault. Abrams was not convicted of a misdemeanor, as both assault charges were felony charges. Abrams pleaded guilty to both charges. The court imposed a sentence of six years in prison, and required Abrams to pay court costs in the sum of \$101.00. No fines were imposed on Abrams. The Commonwealth asserts that the court's denial of Abrams' motion was not an abuse of discretion for this reason.

A criminal defendant may be required to pay some of the costs incident to his arrest and conviction, where there is no complete inability to pay shown. Donovan v. Commonwealth, Ky. App., 60 S.W.3d 581, 583 (2001). The trial court has discretion to determine whether a defendant should, and is capable of, paying a portion of the costs incident to the charges against him. Foley v. Commonwealth, Ky., 17 S.W.3d 878, 886 (2000). There is nothing in the record to indicate that Abrams argued that he was incapable of paying the costs assessed against him. Abrams was directed to pay court costs, not a fine, and court costs cannot be converted into a jail sentence. For this reason, the court's denial of Abrams motion is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Troy Abrams, Pro Se
Burgin, Kentucky

BRIEF FOR APPELLEE:

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