

Commonwealth Of Kentucky

Court of Appeals

NO. 2004-CA-001667-MR

BOBBY RAUCH

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
HONORABLE ROGER L. CRITTENDEN, JUDGE
ACTION NO. 04-CI-00256

COMMONWEALTH OF KENTUCKY,
KENTUCKY PAROLE BOARD

APPELLEES

OPINION
AFFIRMING

** ** * * * * *

BEFORE: HENRY AND SCHRODER, JUDGES; EMBERTON, SENIOR JUDGE.¹

SCHRODER, JUDGE: This is an appeal from a summary judgment dismissing appellant's petition for review of a decision of the Kentucky Parole Board (the "Board") denying him parole. KRS 439.330(3) provides that orders of the Kentucky Parole Board shall not be reviewable "except as to compliance with the terms

¹ Senior Judge Thomas D. Emberton sitting as Special Judge by assignment of the Chief Justice pursuant to Section 110(5)(b) of the Kentucky Constitution and KRS 21.580.

of KRS 439.250 to 439.560." Further, KRS 13B.020(3)(d)2.a. specifically exempts Parole Board hearings from the right of administrative appeal provided for in Chapter 13B. Appellant does not allege any due process violations as a result of the Board's failure to comply with any of the provisions in KRS 439.250 to 439.560. By appellant's own admission, he is only challenging the reasoning of the Board in denying him parole. "In Kentucky, parole is a matter of legislative grace." Belcher v. Kentucky Parole Board, 917 S.W.2d 584, 587 (Ky.App. 1996) (citing Fowler v. Black, 364 S.W.2d 164 (Ky. 1963)). Since appellant was afforded all the statutory entitlements in KRS 439.250 to 439.560, there was no error in the dismissal of his petition for review.

For the reasons stated above, the judgment of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Bobby Rauch, pro se
Central City, Kentucky

BRIEF FOR APPELLEES:

Karen Quinn
Deputy General Counsel

Daniel F. Egbers
Assistant General Counsel
Frankfort, Kentucky