

# Commonwealth Of Kentucky

## Court of Appeals

NO. 2004-CA-001690-MR

JOSEPH ALLAN SMITH

APPELLANT

v. APPEAL FROM FAYETTE CIRCUIT COURT  
HONORABLE REBECCA M. OVERSTREET, JUDGE  
INDICTMENT NO. 00-CR-00494

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION  
AFFIRMING

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BEFORE: DYCHE, KNOFF, AND TACKETT, JUDGES.

DYCHE, JUDGE: Joseph Allan Smith appeals to this court following his conditional plea of guilty to the offenses of Criminal Possession of a Forged Instrument, Third Degree, Possession of Cocaine, Possession of Marijuana, Operating without Insurance, and Operating on a Suspended Drivers License. Finding no error, we affirm.

Smith was stopped by an officer of the Lexington Fayette Urban County Government Police following erratic driving. He was found to be in possession of the drugs during a lawful search pursuant to his arrest for the traffic offenses.

He filed a motion to suppress the evidence gathered as a result of the search. The trial court held a hearing and denied the motion. He then entered the conditional plea of guilty under RCr 8.09.

Appointed counsel for Smith has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), conceding that there is no meritorious basis for his appeal. Smith has filed no supplemental *pro se* brief raising any issue. We have conducted a review of the record, and viewed the videotape of the suppression hearing. We likewise find no error.

The judgment of the Fayette Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

John F. Rampulla, III  
Fayette County Legal Aid, Inc.  
Lexington, Kentucky

Joseph Allen Smith, *Pro Se*  
Cleveland, Ohio

BRIEF FOR APPELLEE:

Gregory D. Stumbo  
Attorney General of Kentucky

Todd D. Ferguson  
Assistant Attorney General  
Frankfort, Kentucky