

Commonwealth Of Kentucky
Court of Appeals

NO. 2004-CA-002043-MR

GARY EDWARD HARRISON

APPELLANT

v.

APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE ANN O'MALLEY SHAKE, JUDGE
INDICTMENT NOS. 01-CR-001729 & 03-CR-001969

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: BARBER, DYCHE, AND MINTON, JUDGES.

DYCHE, JUDGE: Gary Edward Harrison, *pro se*, appeals from an order of the Jefferson Circuit Court denying his motion for additional credit for jail-time served. We affirm.

On July 18, 2001, Harrison was indicted on charges stemming from the theft of electronics from a Wal-Mart shopping center. Harrison eventually pled guilty to theft by unlawful taking over \$300, third-degree criminal trespass, and being a second-degree persistent felony offender. He was sentenced to five years' imprisonment and a \$250 fine. Additionally,

Harrison received a one year sentence for first-degree bail jumping to be served consecutively to the five year sentence.

Harrison argues that he is entitled to 185 days of additional credit for jail-time served on various unrelated misdemeanor charges. KRS 532.120(3) only entitles a defendant to additional credit if the time spent in custody relates to the charges that ultimately result in a conviction. Lemon v. Corrections Cabinet, 712 S.W.2d 370, 371 (Ky.App. 1986). The jail-time Harrison served on the misdemeanor charges was not related to the charges for which he is now sentenced. Our review of the record indicates that the trial court went to exhaustive lengths to ensure that Harrison received the time credit he deserved. There was no error or abuse of discretion.

For the foregoing reasons, the order of the Jefferson Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Gary Harrison, *Pro Se*
Munfordville, Kentucky

BRIEF FOR APPELLEE:

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