

Commonwealth Of Kentucky

Court of Appeals

NO. 2005-CA-000300-MR

TIM JOE COLEMAN

APPELLANT

v.

APPEAL FROM FAYETTE CIRCUIT COURT
HONORABLE GARY D. PAYNE, JUDGE
INDICTMENT NO. 93-CR-00755

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * * *

BEFORE: DYCHE, KNOPF, AND TACKETT, JUDGES.

DYCHE, JUDGE: Following his plea of guilty to various felonies and the status offense of being a first-degree persistent felon, Tim Joe Coleman filed a RCr 11.42 motion to vacate his 60-year sentence on the ground of ineffective assistance of counsel. He alleged that his attorney had informed him, and he had been persuaded by the fact, that his maximum sentence would be 20 years. The motion was denied, and this court affirmed; discretionary review was denied by the Kentucky Supreme Court.

Coleman then filed a CR 60.02 motion for modification of his sentence, alleging that it exceeded the cap contained in KRS 532.110(1)(c). The motion was denied, and this court again affirmed. He then filed the present motion, again pursuant to CR 60.02, claiming ineffective assistance again, and that he was under the influence of medication when he entered his plea. The trial court denied his motion for appointment of counsel, for a hearing, and for a free copy of the record. The motions were denied, and this appeal followed. We affirm.

Coleman first argues that it was error for the trial court to refuse to appoint counsel to assist with the motion. We disagree; he was not entitled to counsel. Gross v. Commonwealth, 648 S.W.2d 853 (Ky. 1983).

He next complains of the lack of a hearing on his motion. We find no error or abuse of discretion in the trial court's refusal. Land v. Commonwealth, 986 S.W.2d 440 (Ky. 1999).

Coleman argues that he was entitled to a free copy of the record to help him in his preparation of this appeal. He has raised no ground which would entitle him to such a benefit. Coles v. Commonwealth, 386 S.W.2d 465 (Ky. 1965).

Coleman has been provided with the full panoply of rights during and after his guilty plea. Gross, supra. We find

no reason to disturb the trial court's decisions. The order of the Fayette Circuit Court is affirmed.

ALL CONCUR.

APPELLANT *Pro Se*:

Tim Joe Coleman
Eddyville, Kentucky

BRIEF FOR APPELLEE:

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