

Commonwealth of Kentucky

Court of Appeals

NO. 2006-CA-001092-MR

CHARLES W. YOUNG

APPELLANT

v. APPEAL FROM MUHLENBURG CIRCUIT COURT
HONORABLE DAVID H. JERNIGAN, JUDGE
ACTION NO. 06-CR-00030

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION AND ORDER

** ** * ** * ** *

BEFORE: NICKELL, THOMPSON, AND VANMETER, JUDGES.

NICKELL, JUDGE: Charles W. Young (“Young”) entered a conditional guilty plea pursuant to Kentucky Rules of Criminal Procedure (RCr) 8.09 in the Muhlenburg Circuit Court on April 3, 2006, to the charges of manufacturing methamphetamine;¹ possession of anhydrous ammonia in an unapproved container;² and possession of drug paraphernalia, second or subsequent offense.³ Pursuant to plea negotiations, a charge of

¹ Kentucky Revised Statutes (KRS) 218A.1432, a Class B felony.

² KRS 250.991, a Class B felony.

³ KRS 218A.500, a Class D felony.

being a persistent felony offender in the first degree (PFO I)⁴ was dismissed. He received a sentence of fifteen years' imprisonment on April 25, 2006. Within his guilty plea, Young reserved the right to appeal the circuit court's March 24, 2006, denial of his motion to suppress evidence. It is from this denial that he appeals to this Court.

Young filed a motion to proceed *in forma pauperis* and for appointment of counsel on appeal. The circuit court granted the motion and appointed the Department of Public Advocacy to represent Young on appeal. A notice of appeal was timely filed on April 27, 2006. On February 12, 2007, the Department of Public Advocacy sought permission to withdraw as counsel of record and to file a brief pursuant to *Anders v. California*, 386 U.S. 738, 744, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). On March 5, 2007, we granted counsel's motion to file an *Anders* brief.⁵ We also granted Young the opportunity to file a supplemental *pro se* brief within sixty days from the date of the order. Young failed to do so.

In the *Anders* brief, Young's counsel concedes that this appeal is “frivolous.” As Young has failed to file a *pro se* brief alleging any grounds for reversal, we summarily affirm the Muhlenburg Circuit Court.

The Department of Public Advocacy's motion to withdraw as counsel of record is hereby GRANTED.

ALL CONCUR.

⁴ KRS 532.080.

⁵ Ruling on counsel's motion to withdraw was passed to this merits panel and is decided herewith.

ENTERED: November 21, 2007

/s/ Shea Nickell
JUDGE, COURT OF APPEALS

BRIEF FOR APPELLANT:

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