

Commonwealth of Kentucky

Court of Appeals

NO. 2006-CA-002622-MR

STEVEN L. JOHNSON

APPELLANT

v. APPEAL FROM JEFFERSON CIRCUIT COURT
HONORABLE STEVE MERSHON, JUDGE
INDICTMENT NOS. 03-CR-01483 & 03-CR-01650

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
AFFIRMING

** ** * ** * **

BEFORE: COMBS, CHIEF JUDGE; LAMBERT, JUDGE; KNOPF,¹ SENIOR JUDGE.

LAMBERT, JUDGE: Steven L. Johnson, a prisoner detained at the State Reformatory, appeals the denial of his motion to vacate his criminal conviction under CR 60.02. For the reasons stated herein, we affirm Jefferson Circuit Court's denial of relief.

Johnson stands convicted on numerous counts of robbery, all committed while on parole from a prior life sentence. He is presently serving a 20-year prison sentence for these robbery offenses pursuant to a plea agreement reached with the

¹ Senior Judge William L. Knopf, sitting as Special Judge by Assignment of the Chief Justice pursuant to Section 110 (5)(b) of the Kentucky Constitution and Kentucky Revised Statutes (KRS) 21.580.

Commonwealth. The agreement specified that the 20-year sentence was to run consecutively to his previously imposed life sentence. As noted by the Commonwealth, Johnson has unsuccessfully filed three other collateral challenges to his robbery sentence, claiming in each that his 20-year sentence should run concurrently with his life sentence, not consecutively to it. Now, in his fourth collateral challenge, he reasserts the same claim.

The courts do not favor successive collateral challenges to a final judgment of conviction. Absent a special showing of good cause, we will not entertain the merits of even a second, much less a fourth, collateral challenge. *E.g., Case v. Commonwealth*, 467 S.W.2d 367, 369 (Ky. 1971). As we find no showing of good cause in Johnson's papers or in the record justifying yet another airing of the same claim, we affirm the judgment of the Jefferson Circuit Court.

ALL CONCUR.

BRIEF FOR APPELLANT:

Steven L. Johnson, *Pro se*
LaGrange, Kentucky

BRIEF FOR APPELLEE:

Gregory D. Stumbo
Attorney General of Kentucky

Perry T. Ryan
Assistant Attorney General
Frankfort, Kentucky